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## MEMORANDUM

**TO:** Members of the Planning Commission

**FROM:** Francis Reilly, Planning and Development Review, (512) 947-7657

**DATE:** July 16, 2014

**RE:** South Austin Combined Neighborhood Plan  
Case #s: NP-2013-0030,  
C14-2014-0017 (Westgate),  
C14-2014-0018 (South Manchaca),  
C14-2014-0019 (Garrison Park)

### Description of Backup Information

Backup information for the South Austin Combined Neighborhood Plan is attached, including:

- Revised infill options recommendations;
- Spreadsheet of changes to draft plan. Please refer to draft submitted for the March 25 hearing for the rest of the plan;
- Comment forms & emails received since April 22;
- Deed restrictions; and
- Revised Affordability Impact Statement.

These attachments are in addition to the materials submitted as backup for the public hearing originally scheduled for March 25 and April 22.

### Participation Summary

The South Austin Combined Neighborhood Plan was initiated by City Council Resolution (20120628-039) in June 2012. The kickoff meeting was held in January 2013. Over the course of the year, Planning and Development Review staff conducted 12 workshops and meetings and administered 4 surveys (available both online and in print) to engage the neighborhood. This public process culminated in a draft neighborhood plan that was presented at the Open House on December 7, 2013. Another public meeting was held in April of this year to address outstanding concerns about the infill options, further described below.

Meeting	DATE	WORKSHOP	PARTICIPANTS
1	January 12, 2013	Kickoff Workshop	129
2	February 16	Visioning Workshop	131
3	March 23	Civic Center Community Design Workshop	86

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4	April 29	APD, Code Compliance, and Implementation Forum	43
5	May 18	Character District Workshop	57
6	June 15	Frontage Road Community Design Workshop	55
7	August 22	Creativity & Collaboration Community Conversation	48
8	September 10	Environment Community Conversation	54
9	October 3	Transportation Community Conversation	41
10	October 26	Character Districts Community Conversation	38
11	November 19	Household Affordability Community Conversation	24
12	December 7	Open House	131
13	April 3, 2014	Infill Options Special Meeting	200+

Please see plan appendix for more details on meetings.

DATES	SURVEY	RESPONDENTS
Dec. 14, 2012 – Jan. 28, 2013	Initial Survey	546
Apr. 29, 2013 – June 30, 2013	Code, Crime & Implementation Survey	198
Dec. 9, 2013 – Jan. 13, 2014	Final Survey (all plan policies + actions)	198
Nov. 25, 2013 – Jan. 13, 2014	Final Survey (process + plan satisfaction)	61
Jan. 29, 2013 – Feb. 5, 2014	Infill Options/Design Tools Survey	180

### Other Outreach

- Postcards
- Flyers, including door-to-door flyering for Civic Center (4/23) and Frontage Road (6/15) workshops
- Press releases and coverage in *Community Impact*, *Austin Chronicle*, *KUT*, *YNN*, *Imagine Austin* blog/City Shaping News, Time Warner Cable News
- Regular email updates to listserv (832 people)
- Neighborhood Association meetings, including 5 regarding infill options:
  - Southwood 5/8/14
  - Southern Oaks 5/12/14
  - Cherry Creek Village 5/15/14
  - Cherry Creek Central 5/21/14
  - Woodhue/Armadillo Park 5/22/14
  - Also offered to meet with Western Trails, Cherry Creek Southwest, and Manchaca Estates
- Collaboration with Go! Austin Vamos! Austin
- Collaboration with AIA Austin for Community Design Workshops

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- Partnered with Austin Cycling Association to host 2 community bike rides, including one with APD and Code
- Participated in Friends of Armadillo Park workdays

### **Plan Summary**

Throughout the yearlong public engagement process, the neighborhood created a vision and goals that are aligned with *Imagine Austin Comprehensive Plan*. The participatory public process provides a voice for the values of the neighborhood and applies a more local, on-the-ground understanding of an area's assets, liabilities, and opportunities to the citywide issues and values identified in *Imagine Austin*. This informs a more localized vision for the neighborhood that refines how *Imagine Austin* applies at the scale of the neighborhood.

**Vision:** Create a complete community that is:

- o mobile and interconnected;
- o compact, accessible, and affordable;
- o natural and sustainable;
- o healthy, safe, creative, and engaged.

Each element of the vision corresponds to the four chapters in the plan. The elements of the vision and their goals are highlighted below:

#### **Chapter 1: Mobile and Interconnected:**

Goal 1: Encourage walking, bicycling, and transit through design and education

#### **Chapter 2: Compact Accessible, and Affordable:**

Goal 1: Maintain the residential character of the Residential Core, ensuring that future development or redevelopment is appropriate to the district. Create walkable, people-friendly destinations in Neighborhood Node, Mixed-Use Activity Hub/Corridor, and Activity Center districts. Expand housing options in all districts.

Goal 2: Encourage a diverse, intergenerational, family-friendly community by maintaining household affordability.

#### **Chapter 3: Natural and Sustainable:**

Goal 1: Improve access to and amenities in area parks.

Goal 2: Protect, enhance, and expand the neighborhood's green infrastructure.

Goal 3: Promote environmentally sustainable practices.

#### **Chapter 4: Healthy, Safe, Creative, and Engaged:**

Goal 1: Increase the overall health of the SACNPA.

Goal 2: Improve the community's safety and upkeep.

Goal 3: Increase creativity and collaboration in the SACNPA to promote a sense of community and a unique sense of place.

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### **Summary of Major Themes**

- Improve walking, biking, and access to transit
- Maintain the character of residential parts of the neighborhood
- Improve commercial areas by making them more walkable, by increasing the mix of uses, and by encouraging neighborhood-serving businesses
- Turn the area around Stassney and Manchaca into an identifiable, cohesive district
- Transform the area along Ben White into a community asset
- Preserve and improve household affordability
- Preserve the neighborhood's tree canopy
- Improve area parks and look for new opportunities for additional parks/green space
- Incorporate art into infrastructure, parks, and public buildings
- See Top Plan Actions in Plan Appendix

### **Issues and Concerns**

#### **Household Affordability**

Concern: After the Saturday, Oct. 26 "Character Districts Community Conversation" meeting some participants expressed a concern about whether the neighborhood plan adequately addressed household affordability. The Oct. 26 meeting had touched on household affordability in relation to the character districts.

Action: Following this feedback, staff scheduled a special "Household Affordability Community Conversation" meeting on Nov. 19 to focus on and further explore the issue of household affordability. The meeting began with representatives from Community Advancement Network, HousingWorks, Foundation Communities, and the City of Austin's Neighborhood Housing and Community Development Department partaking in a panel discussion. After, neighbors worked in small groups, discussing what they heard and developing actions.

Additional household affordability actions were added to the draft plan based on the results of this Nov. 19 meeting.

#### **Infill Options**

Concern: Following the mailing of the public notice for the Planning Commission hearing, many residents voiced concerns about the widespread application of some infill options, particularly in the Westgate and the western part of the Garrison Park planning areas. Staff held a special meeting on infill options on April 3 to provide information about the options for residents who had not participated in the planning process and to poll participants by neighborhood on the inclusion of the options.

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Action: To address these concerns, staff has revised the recommendations to limit the application of infill options. Staff's recommendations for the infill options were revised to reflect the polling results of the April 3 meeting, a series of meetings held with all interested neighborhood associations in the planning area, and to be consistent with the deed restrictions staff has been made aware of. A summary of workshop and survey results regarding these options is included in the revised Special Use Infill Options & Design Tools Recommendations included in backup. The changes to the recommendations are shown on the following page.

The revised infill options affect household affordability and the implementation of several *Imagine Austin* policies (these policies are further outlined in the section discussing character districts). The draft Affordability Impact Statement written by the City of Austin's Neighborhood Housing and Community Development Department (NHCD) states,

"Limiting these tools minimizes the support of development and preservation of affordable housing,"

and furthermore,

"NHCD Staff recommends that all infill development tools be adopted as options in all parts of the combined neighborhood planning area in order to provide the greatest support of the *Imagine Austin* Household Affordability goals."

The reduced application of infill options has limited the implementation of *Imagine Austin's* goals, but also contradicts the neighborhood's goals of creating and preserving household affordability.

<b>Changes to the Infill Option Recommendations</b> (see attached staff recommendations for details)			
<b>Infill Option</b>	<b>Original Infill Recommendations March 25 (postponed)</b>	<b>Revised Infill Recommendations June 24 (postponed)</b>	<b>Revised Infill Recommendations July 22</b>
Small lot amnesty	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas	Adopt in South Manchaca and Garrison Park planning areas.
Secondary apartments	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas	Adopt in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
Cottage lots	Adopt area-wide	Adopt in Garrison Park planning area, in Neighborhood Transition Character District only	Adopt in Neighborhood Transition Character District only in a subdistrict of the Garrison Park planning area.
Urban homes	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas, in Neighborhood Transition Character District only	Adopt in Neighborhood Transition Character District only in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
Corner store	Adopt on residentially-zoned properties along arterials	Adopt in South Manchaca, in subdistrict along Manchaca Rd. only	Adopt in South Manchaca, in subdistrict along Manchaca Rd. only.

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## Neighborhood Transition character district

Primarily residential in character, the Neighborhood Transition character district serves to provide a transition from busier roadways or more intense character districts to the Residential Core. The definitions and boundaries for this (and all) character districts were defined and refined by participants through the course of the yearlong planning process.

Concern: More recently, the Neighborhood Transition's definition and boundaries have been challenged by some residents concerned that the designation will drive development. Staff strongly supports the Neighborhood Transition district boundaries as shown in the draft plan, as they align with and further define the Activity Corridors in *Imagine Austin* and work to implement *Imagine Austin* by channeling population growth to these Activity Corridors where it can support local businesses and transit investments, as well as protect the neighborhood's existing character. Staff also supports these boundaries and definitions to respect the time, hard work, and trust of the neighbors who participated in the yearlong participatory public process.

The Neighborhood Transition district, along with the Neighborhood Node district, supports *Imagine Austin*, corresponding largely to the Activity Corridors identified on the Growth Concept Map. The neighborhood planning process allowed participants' local knowledge of these areas to tailor the boundaries and descriptions of the character districts as well as the more general plan policies. As the community identified through the planning process, the Neighborhood Transition district provides an opportunity to accommodate a variety of housing types, including the cottage lot and urban home infill options. All of the character districts help implement several *Imagine Austin* policies, including:

- LUT P4: "Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors, and infill sites. Recognize that different neighborhoods have different characteristics, and infill and new development should be sensitive to the predominant character of these communities" (p.118).
- LUT P7: "Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities" (p.118).
- LUT P10: "Direct housing and employment growth to activity centers and corridors, preserving and integrating existing affordable housing where possible" (p.119).
- HN P1: "Distribute a variety of housing types throughout the city to expand the choices available to meet the financial and lifestyle needs of Austin's diverse population" (p.137).
- HN P11: "Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites" (p.138).
- HN P15: "Protect neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods" (p.138).
- S P12: "Increase the variety of housing options (such as the types of housing and number of bedrooms) to meet the needs of family and non-traditional households, including households with children" (p.172).

Without the adoption of the infill options, the neighborhood plan is severely limited in the tools available for implementing the neighborhood's vision and *Imagine Austin* policies in the Neighborhood Transition character district.

### **Impervious cover and flooding**

Concern: Heightened risk of flooding due to increased impervious cover is one of the concerns with allowing the infill options. A sizeable swath of the planning area along Williamson Creek is within the creek's 25- and 100-year floodplains. Many of these homes built were either built in the floodplain or the floodplain has moved to them as the city has grown. At the January 2013 Kickoff, participants were given an opportunity to map areas of localized flooding or debris, which were mapped and many preliminarily assessed by Watershed Protection prior to the February 2014 workshop.

Action: While in some instances the infill options allow an increase impervious cover over what is allowed by base zoning, building the infill options require applicants to comply with existing stormwater management policies and procedures. To create the urban home and cottage lot infill options lots, an applicant will need to go through the subdivision process. Both site plans and subdivision plans are reviewed to determine:

1. The pattern and quantity of stormwater discharge to assure no adverse impacts.
2. The control of water quality to assure compliance with the Land Development Code.
3. Assurance that the stormwater discharge does not cause erosion downstream.
4. Determination of drainage easement requirements.
5. Modification of floodplain (FEMA and CoA fully developed 100-year).

If urban home or cottage lots are 4,000 s.f. or less, 65% maximum impervious cover is allowed. For larger lots, the percentage is the same as base zoning requirements. For more than eight urban home or cottage lots, 250 s.f. per lot of open space is required (§ 25-2-1423).

The City of Austin's Watershed Protection Department (WPD) has identified the length of Williamson Creek from approximately West Gate to Congress as a future floodplain study area. WPD has also identified a need for storm drain improvements in Cherry Creek (surrounding Blarwood and currently in progress), the Miles Ave. area, the Woodhue area, and surrounding Nancy Dr. During the planning process, participants also asked that rain gardens be incorporated into right-of-way projects and on city property.

Flooding issues must be addressed at the scale of the watershed, which is larger than the neighborhood scale.

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## Special Use Infill Options & Design Tools Recommendations for the South Austin Combined Neighborhood Planning Area

The following revised recommendations for Special Use Infill Options in the Westgate, South Manchaca, and Garrison Park planning areas will be presented to the Planning Commission on July 22, 2014, and are recommendations based on public meetings, surveys, and input from neighborhood associations. Maps showing possible applicability of the options are included on the following pages, as well as charts showing polling by planning area for each option. These recommendations will be provided to Planning Commission and City Council along with public comments.

SPECIAL USE INFILL OPTION	RECOMMENDATION
<b>Small Lot Amnesty:</b> permits construction or major renovation of existing single-family homes on existing legally-created lots that do not meet current minimum lot standards.	Adopt in South Manchaca and Garrison Park planning areas.
<b>Secondary Apartment:</b> permits a second dwelling unit 850 sq. ft. or less on a lot with a minimum area of 5,750 sq. ft.	Adopt in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
<b>Cottage Lot:</b> permits single-family detached homes on lots with a minimum area of 2,500 sq. ft. and a minimum width of 30 ft.	Adopt in Neighborhood Transition Character District only in a subdistrict of the Garrison Park planning area.
<b>Urban Home:</b> permits single-family detached homes on lots with a minimum area of 3,500 sq. ft. and a minimum width of 35 ft.	Adopt in Neighborhood Transition Character District only in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
<b>Corner Store:</b> permits a small retail use on a property with residential zoning located at an intersection.	Adopt in South Manchaca, in subdistrict along Manchaca Rd. only.

Recommendations for Design Tools remain unchanged, as do recommendations for front yard parking and mobile food establishments.

DESIGN TOOLS	RECOMMENDATION
<b>Parking Placement</b>	Adopt in all planning areas
<b>Garage Placement for new development</b>	Adopt in all planning areas
<b>Front Porches</b>	Adopt in all planning areas
<b>Front Yard Parking restriction</b>	Adopt only in Westgate planning area
<b>Mobile Food restriction</b>	Adopt in all planning areas



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## What is the purpose of the Special Use Infill Options?

City Council approved a set of Special Use Infill Options and Design Tools for Neighborhood Planning Areas in 2000. These options are intended to allow a greater variety of single-family housing types than are normally allowed under the city's conventional zoning districts and/or to allow older neighborhoods to maintain neighborhood character by allowing lots that no longer meet the current code and create transitions between existing neighborhoods and new development. The infill options are intended to support a community's economy, social equity, and provide more housing options within the central city.

*Imagine Austin* includes policies that call for a mix of housing types to meet the needs of a diverse community. The comprehensive plan also directs new development to corridors as a way to maintain neighborhood character and encourages infill as a way to make communities more walkable and bikeable and to provide more opportunities for serving neighborhoods with quality transit.

## How were recommendations developed?

Recommendations are based on many hours of community input from workshops, survey, the specially-called infill option meeting held April 3, and meetings with all interested neighborhood associations, as well as public comment forms and emails. The initial recommendations were modified in response to concerns regarding widespread application of some of the options.

## How will these recommendations be used?

These recommendations will be presented to Planning Commission during a public hearing on July 22, along with other public comments received by staff, including letters, emails, and comment forms. Following the public hearing, Planning Commission will vote on whether to recommend the neighborhood plan as a whole—or to recommend it with modified infill options—and will consider which infill options to recommend for each of the planning areas.

Planning Commission's recommendations will then be presented to City Council for consideration, likely sometime in late summer or early fall.

## What happens once the neighborhood plan is adopted by City Council?

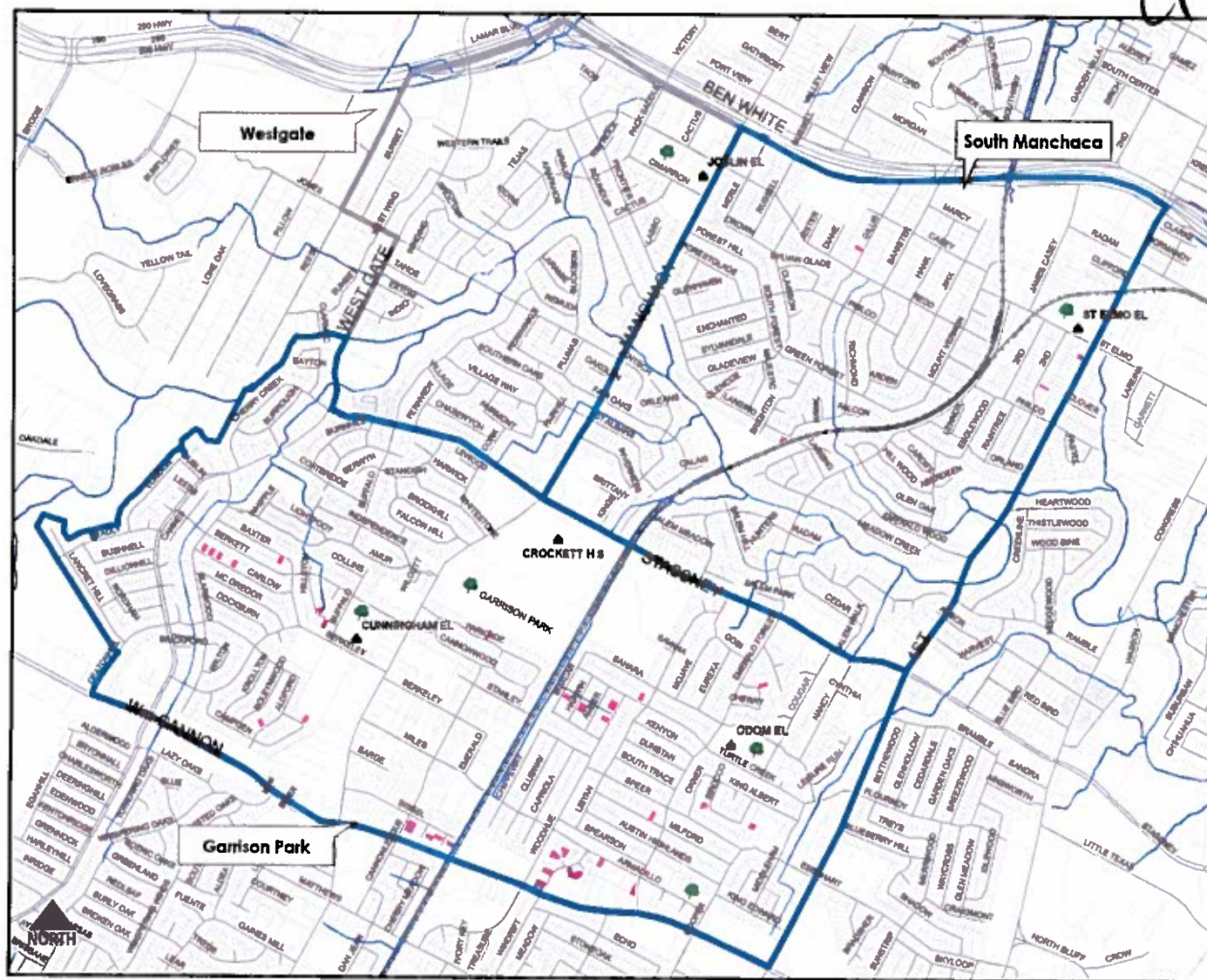
Once adopted by City Council, the neighborhood plan will amend the *Imagine Austin Comprehensive Plan*. Any adopted infill options will become a part of a neighborhood plan zoning overlay. The following pages show the possible application of the infill options per the recommendation.

**For more information on regulations for the Special Use Infill Options, please visit [ftp://ftp.ci.austin.tx.us/npzd/AustIngo/Infill\\_tools.pdf](ftp://ftp.ci.austin.tx.us/npzd/AustIngo/Infill_tools.pdf)**

For more information on the South Austin Combined Neighborhood Plan, visit <http://austintexas.gov/departments/south-austin-combined-neighborhood-plan> or contact Francis Reilly at [francis.reilly@austintexas.gov](mailto:francis.reilly@austintexas.gov) or (512) 974-7657.

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# SMALL LOT AMNESTY: ADOPT AREA-WIDE IN SOUTH MANCHACA & GARRISON PARK



0 0.25 0.5 1 1.5 2

Parcels between 2,500 - 5,749 square feet where Small Lot Amnesty may apply

Recommended adoption area-wide

Planning Area	# Parcels Affected
Westgate	0
South Manchaca	4
Garrison Park	58



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# SECONDARY APARTMENTS: ADOPT AREA-WIDE IN SOUTH MANCHACA & IN A SUBDISTRICT OF GARRISON PARK



## Allowed by Right

By Right parcels are lots that, under current regulations, may build a second unit.



## Recommended adoption area-wide

### Parcels Affected by Secondary Apartment Option (see following page)



## SF-2 Zoning

The Secondary Apartment Special Use option would allow SF-2 zoning district lots larger than 5,750 square feet to build a second unit.



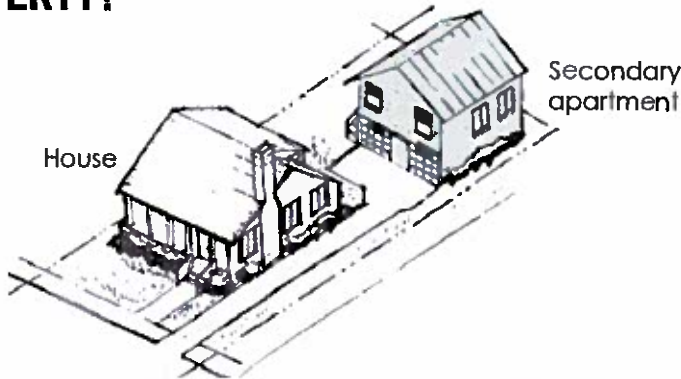
## 5,750-7,000 s.f. Parcels

The Secondary Apartment Special Use option would allow homeowners in SF-3, SF-5, and MF-1 thru 6 zoning districts to build a secondary apartment on a lot between 5,750-7,000 s.f.

Planning Area	# Parcels Affected
Westgate	42
South Manchaca	158
Garrison Park	2221

# HOW DOES THE **SECONDARY APARTMENT INFILL** OPTION APPLY TO MY PROPERTY?

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Example of a secondary apartment.

## My property is zoned SF-3 & is 7,000+ square feet

What is allowed with Current Zoning	With Secondary Apartment Infill Option
<b>USES:</b> Single-family house, Duplex, Secondary apartment, Single-family attached, Two-family residence	<b>NO CHANGE.</b> Secondary apartments are allowed under current zoning.
<b>MIN. LOT SIZE:</b> 5,750 s.f. (7,000 s.f. for duplex, secondary apt, single-family attached, and two-family residence) <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 25 ft. front, 15 ft. street side, 5 ft. interior, 10 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 45%	

## My property is zoned SF-3 & is 5,750–7,000 square feet

What is allowed with Current Zoning	With Secondary Apartment Infill Option
<b>USES:</b> Single-family house	<b>USES:</b> Single-family house with 850 s.f. max. secondary apartment
<b>MIN. LOT SIZE:</b> 5,750 s.f. <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 25 ft. front, 15 ft. street side, 5 ft. interior, 10 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 45%	<b>Standards for a Secondary Apartment:</b> <b>MAX HEIGHT:</b> 30 ft., limited to 2 stories 850 s.f. gross floor area, and limited to 550 s.f. on the second story if applicable <b>MAX. IMPERVIOUS COVER:</b> 45% <b>PARKING:</b> 2 additional spaces

## My property is zoned SF-2 & is 5,750–7,000 square feet

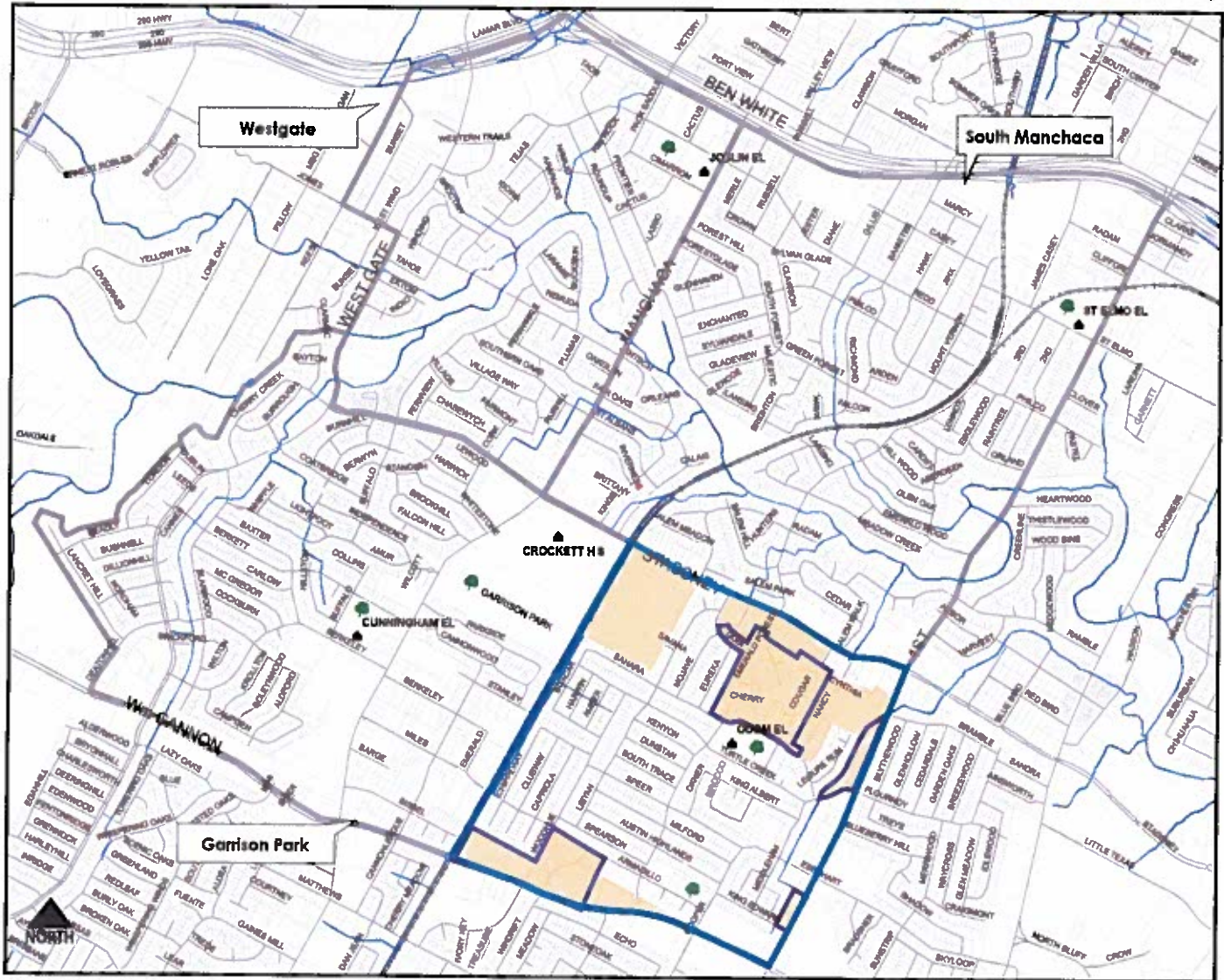
What is allowed with Current Zoning	With Secondary Apartment Infill Option
<b>USES:</b> Single-family house	<b>USES:</b> Single-family house with 850 s.f. max. secondary apartment
<b>MIN. LOT SIZE:</b> 5,750 s.f. <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 25 ft. front, 15 ft. street side, 5 ft. interior, 10 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 45%	<b>Standards for a Secondary Apartment:</b> <b>MAX HEIGHT:</b> 30 ft., limited to 2 stories 850 s.f. gross floor area or 550 s.f. on the second story if applicable <b>MAX. IMPERVIOUS COVER:</b> 45% <b>PARKING:</b> 2 additional spaces



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# COTTAGE LOT: ADOPT IN A SUBDISTRICT OF THE GARRISON PARK NEIGHBORHOOD TRANSITION CHARACTER DISTRICT

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Neighborhood Transition character districts



Recommended adoption in  
Neighborhood Transition only



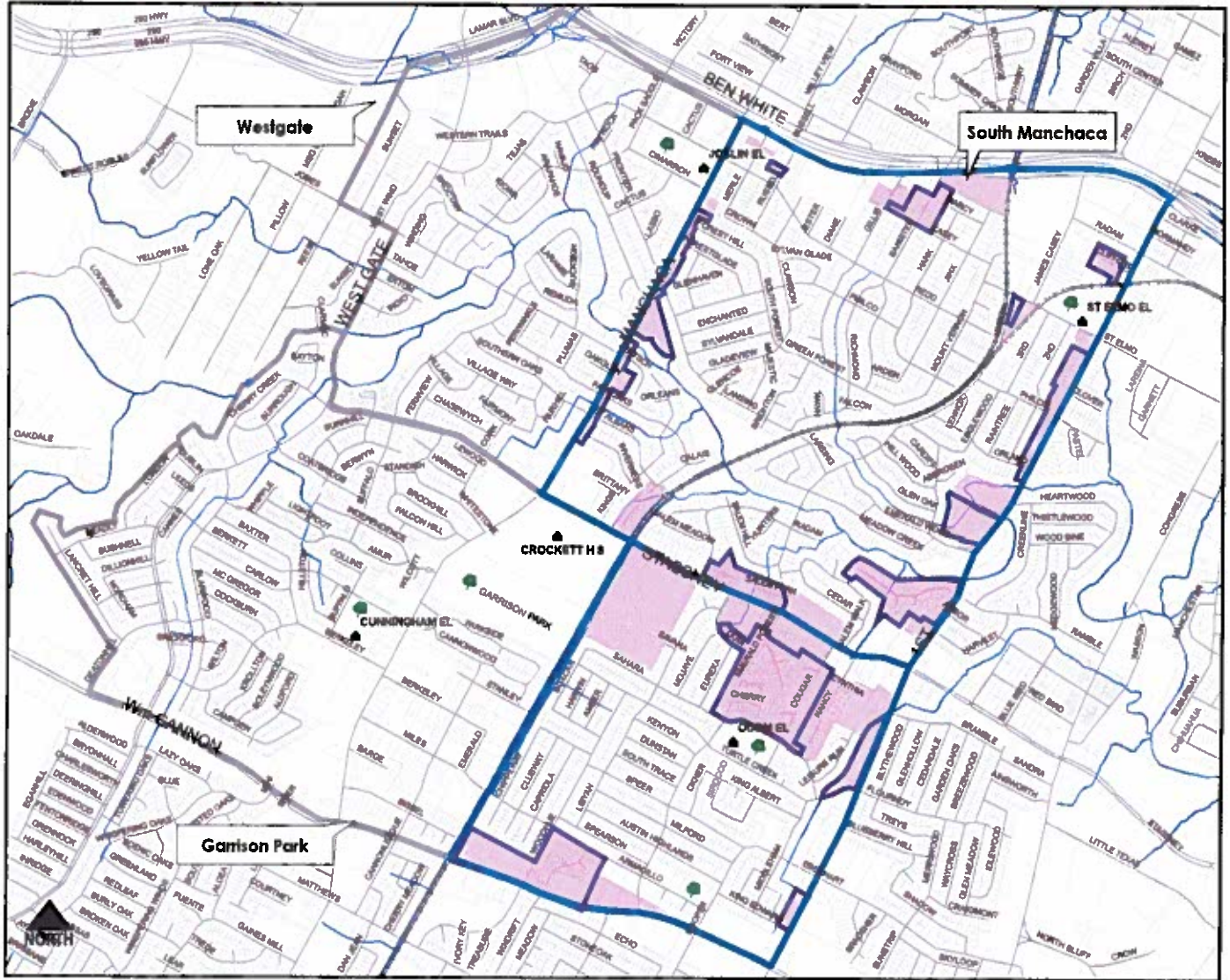
Adopting this option affects parcels outlined in  
purple. Cottage lots are permitted only in SF-3,  
SF-5, SF-6, and MF-1 thru MF-6 zoning districts.

Areas with the Neighborhood Transition character district, but not outlined (SF-2 or commercial/office zoning), would go through rezoning process should respective property owners wish to apply the cottage lot option.



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# URBAN HOME: ADOPT IN NEIGHBORHOOD TRANSITION CHARACTER DISTRICT ONLY IN THE SOUTH MANCHACA PLANNING AREA AND A SUBDISTRICT OF THE GARRISON PARK PLANNING AREA



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Neighborhood Transition character districts



Adopting this option affects parcels outlined in purple. Cottage lots are permitted only in SF-3, SF-5, SF-6, and MF-1 thru MF-6 zoning districts.



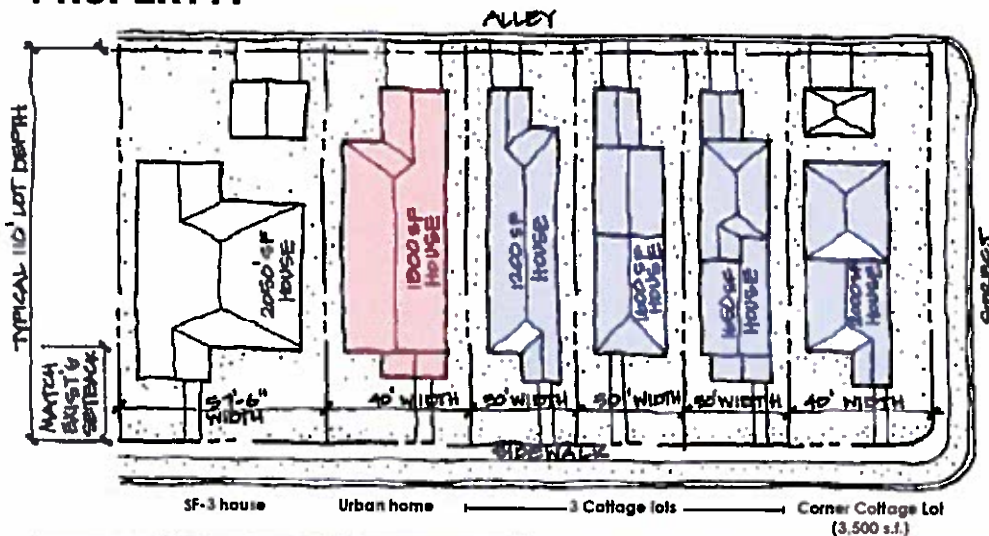
Recommended adoption in Neighborhood Transition only

Areas with the Neighborhood Transition character district, but not outlined (SF-2 or commercial/office zoning), would go through rezoning process should respective property owners wish to apply the urban home option.

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# HOW DO THE COTTAGE LOT & URBAN HOME INFILL OPTIONS APPLY TO MY PROPERTY?

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Example of cottage lot type development.



Example of an urban home-style house.

## My property is within a Neighborhood Transition character district & is zoned SF-3, SF-5, SF-6, or MF-1 thru MF-6

What is allowed with Current Zoning	With Cottage Lot Infill Option	With Urban Home Infill Option
<b>USES:</b> Single-family house; on 7,000+ s.f. lot: Duplex, Secondary apartment, Single-family attached	<b>USES:</b> Single-family house	<b>USES:</b> Single-family house
<b>MIN. LOT SIZE:</b> 5,750 s.f. <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 25 ft. front, 15 ft. street side, 5 ft. interior, 10 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 45%	<b>MIN. LOT SIZE:</b> 2,500 s.f., but 3,500 s.f. when adjacent to SF-3 or at corner <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 15 ft. front, 10 ft. street side, 5 ft. interior, 5 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 65% for lots 4,000 s.f. or less	<b>MIN. LOT SIZE:</b> 3,500 s.f. <b>HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 20 ft. front, 10 ft. street side, 5 ft. interior, 5 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 65% for lots 4,000 s.f. or less



Example of a duplex in San Antonio.

## My property is zoned SF-2

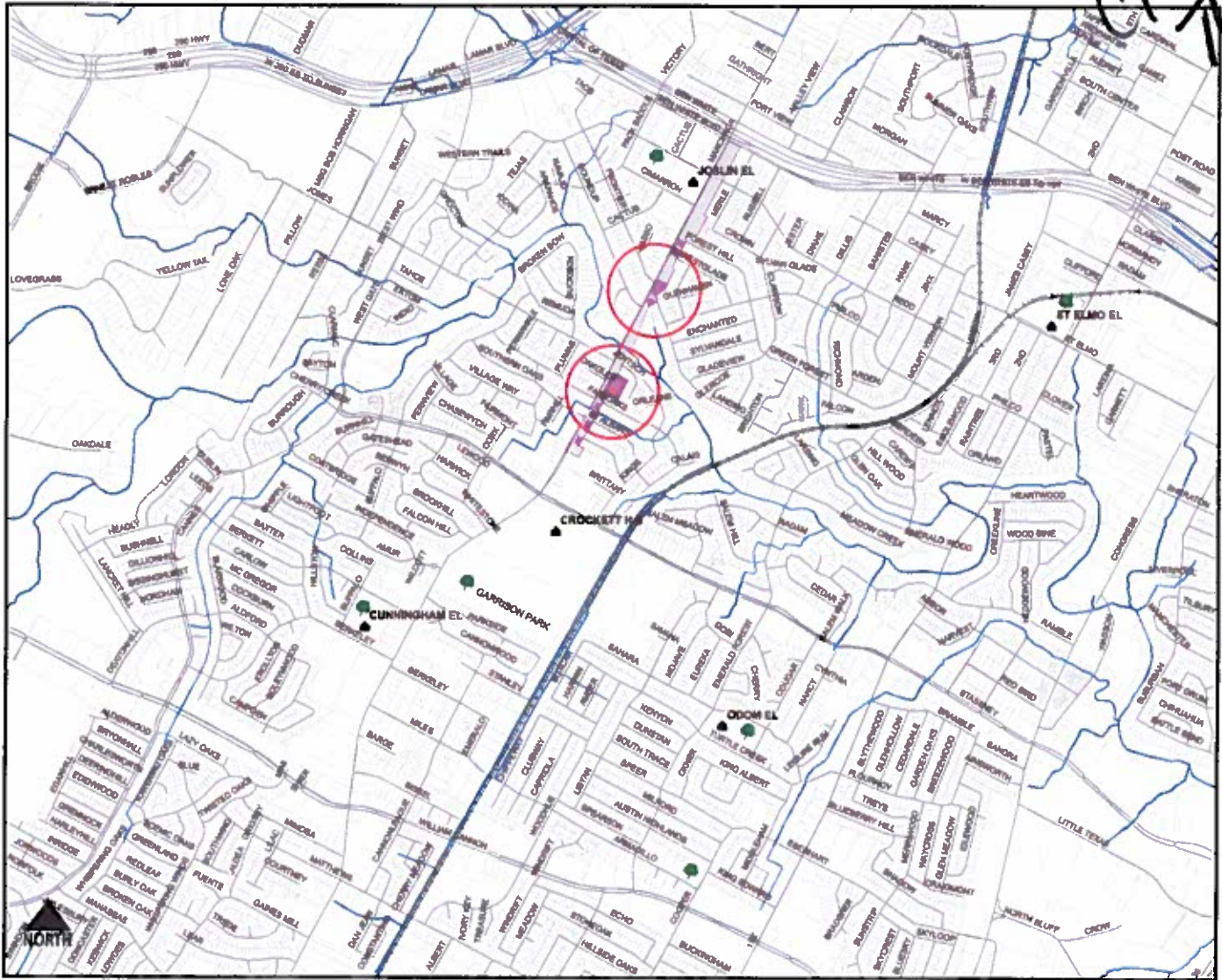
What is allowed with Current Zoning	With Cottage Lot Infill Option	With Urban Home Infill Option
<b>USES:</b> Single-family house	Cottage Lots cannot be applied to properties zoned SF-2.	Urban Homes cannot be applied to properties zoned SF-2.
<b>MIN. LOT SIZE:</b> 5,750 s.f. <b>MAX. HEIGHT:</b> 35 ft. (32 ft. east of Manchaca per McMansion ordinance) <b>SETBACKS:</b> 25 ft. front, 15 ft. street side, 5 ft. interior, 10 ft. rear <b>MAX. IMPERVIOUS COVER:</b> 45%		



# CORNER STORE: ADOPT IN SUBDISTRICT OF SOUTH MANCHACA


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0 0.25 0.5 1 1.5 2 Miles

 Possible Corner Store location (based on zoning, lot size & location at intersection)

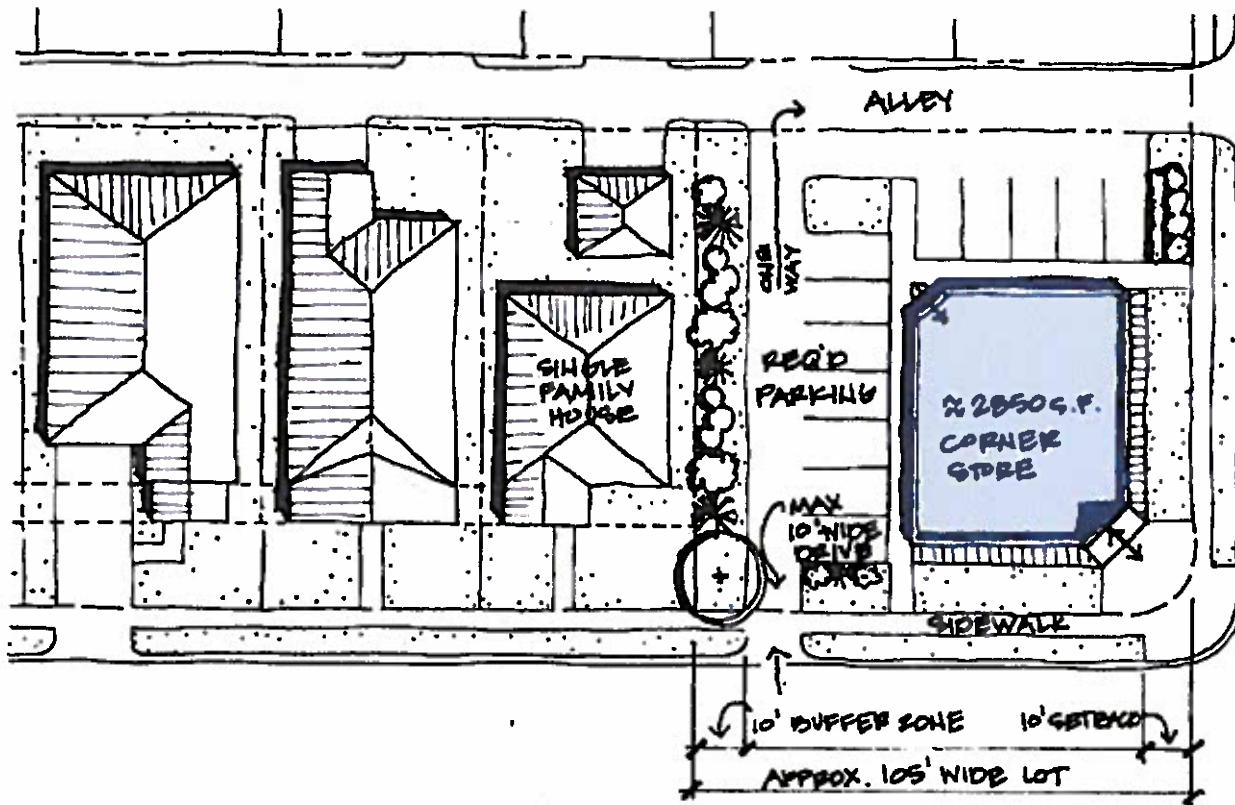
 Recommended subdistrict for Corner Store option (includes only the parcels identified as "Possible Corner Store location")

 600' Corner stores may not locate within 600 feet of one another



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**CORNER STORE EXAMPLES & PERMITTED USES**

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Examples of corner stores.

**Permitted uses:**

- o Consumer Convenience Services (e.g. automated banking machines)
- o Consumer Repair Services (e.g. watch, jewelry, musical instrument)
- o Food Sales (e.g. grocery stores, bakeries, candy shops, delicatessens)
- o General Retail Sales-Convenience (e.g. apparel, fabrics, arts, antiques)
- o Personal Services (e.g. beauty/barber shops, seamstress)
- o Restaurants (can include the sale and on-premise consumption of alcohol)

**All other uses are prohibited, including drive-in services, fast food restaurants and all auto-oriented uses.**

# INFILL OPTION POLLING BY PLANNING AREA

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SPECIAL USES	WESTGATE								
	Workshops		Survey		4/3 Meeting				Totals <sup>1</sup>
	for/total	%	for/total	%	for/total	RC %	for/total	NT %	
Small Lot Amnesty	9/11	82%	19/28	68%	36/67	54% (area-wide)			60%
Cottage Lot	9/11	82%	17/27	63%	3/71	4%	18/71	25%	40%
Urban Home	9/11	82%	20/27	74%	11/57	19%	11/73	15%	36%
Secondary Apts.	1/4	25%	16/28	57%	28/64	44% (area-wide)			47%
Corner Store	9/12	75%	14/28	50%	10/88	11% (area-wide)			26%

SPECIAL USES	SOUTH MANCHACA								
	Workshops		Survey		4/3 Meeting				Totals <sup>1</sup>
	for/total	%	for/total	%	for/total	RC %	for/total	NT %	
Small Lot Amnesty	7/7	100%	44/51	86%	15/31	48% (area-wide)			71%
Cottage Lot	7/7	100%	37/53	70%	0/33	0%	6/33	18%	54%
Urban Home	7/7	100%	38/51	75%	0/33	0%	9/33%	27%	59%
Secondary Apts.	7/7	100%	44/53	83%	10/32	31% (area-wide)			66%
Corner Store	7/7	100%	40/54	74%	subdistrict*				n/a

\* Subdistrict proposed along Manchaca Rd.

SPECIAL USES	GARRISON PARK								
	Workshops		Survey		4/3 Meeting				Totals <sup>1</sup>
	for/total	%	for/total	%	for/total	RC %	for/total	NT %	
Small Lot Amnesty	19/21	90%	35/58	60%	47/47	100% (area-wide)			80%
Cottage Lot	19/21	90%	40/48	83%	5/50	10%	31/50	62%	76%
Urban Home	19/21	90%	38/58	66%	7/49	14%	32/49	65%	70%
Secondary Apts.	15.5/17	91%	35/57	61%	27/48	56% (area-wide)			64%
Corner Store	19/23	83%	38/57	67%	21/61	34% (area-wide)			55%

RC: Residential Core character district

NT: Neighborhood Transition character district

1. Cottage Lot and Urban Home totals are based on NT score.



## Changes to 3/25/14 PC Draft of South Austin Combined Neighborhood Plan

Changes to infill options reflect results of April 3 infill option meeting, but not May NA meetings

C1-4/19

Page	Change
3	Purpose: add "Neighborhood plans recognize current and future changes in the city's fabric and establish a vision for how new development or redevelopment should occur to best complement and enhance a neighborhood's character. The purpose of the South Austin Combined Neighborhood Plan is to manage change within the framework of Imagine Austin and sustain neighborhood character by ensuring new development or redevelopment is a good neighbor."
22	Included Project Connect in list of existing transportation plans in the text and a link in the sidebar
28	Added numbers to T P3 map
47	added page number to replace XX placeholder
47	Residential Core: add " <u>The Intent of this district is to maintain the character of established neighborhoods</u> " to end of first paragraph
47	Revise to read "The Residential Core also presents the opportunity to incorporate <u>some</u> missing middle housing types..."
48	RC P1: added "and is compatible with the existing neighborhood."
48	Delete language about missing middle and move to Nhood Transition section.
48	RC P1: add " <u>...and is compatible with the existing neighborhood.</u> "
49	Single family homes: added "and are desired to remain the dominant building type."
49-50	Added "for applicability" to garage apt, small houses and corner store building types
51	Updated map to remove Westgate
52	changed secondary apts page number
52	RC P3: Deleted Westgate
52	RC P4: deleted Westgate
52	RC P5: Deleted. Cottage lots limited to Neighborhood Transition (NT) character district in Garrison Park
52	RC P6: Deleted. Urban Homes limited to NT character district in S. Manchaca and Garrison Park
52	RC P7: Deleted Westgate and Garrison Park, limited corner store option to subdistrict within SM
53	Add language re: missing middle: " <u>The missing middle refers to duplexes and other housing types, such as row houses, bungalow courts and other housing types compatible with the existing neighborhood, that provide options between the scale of single-family houses and mid-rise apartments or condos. As Austin's population grows and its demographics change, these housing types provide the opportunity to accommodate growth in walkable neighborhoods while respecting neighborhood character. The variety of housing types in the missing middle promote multi-generational communities, providing options for young people and for older generations to age in place.</u> "
53	Revise to read: "Neighborhood Transition districts present an opportunity to incorporate more missing middle housing types <u>that are compatible with the neighborhood.</u> "
54	NT P1: Add " <u>This district should primarily consist of residential housing types, but at higher densities than in the Residential Core.</u> " Add "small and medium scaled" before apts.
54	NT P2: <u>Building scale, height, and siting within...</u>
54	NT P3: revise to read " <u>Moving from the Neighborhood Transition to the Residential Core, setbacks, similar building footprints, landscaping (including green infrastructure), similar building heights or stepbacks in building height, and/or other means should be used to create compatible developments which fit within the fabric of the neighborhood. Buildings should be no more than 3 stories tall.</u> "
57	NT P5: added Cottage Lot infill (see RC P5 deletion)
57	NT P6: added Urban home infill (see RC P6 deletion)
57	NT P4: Add " <u>Where the Neighborhood Transition character district abuts the Residential Core either mid-block or across a street, special care should be taken to create compatibility between the districts.</u> "

C1-4  
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63	Added NN P7: Encourage the preservation of existing and location of new local, neighborhood-serving businesses in the SACNPA. This policy was inadvertently dropped from a previous draft. It is crossreferenced on p 84. Renumbered to change previous P7 to P8.
84	Related Actions: CC P3, A P1 renumbered NN P7
91	Change NT P1 in related actions to match
152	Updated Infill Option table
	Updated policy and action matrix

## South Austin Combined Neighborhood Plan | Neighborhood Association Meetings

C14  
21

### **Southwood (South Manchaca) – May 8, 2014**

Joan Owens and Navvab Taylor spoke to what they saw as positives in the draft neighborhood plan, including language encouraging local businesses, improved walkability, the policies addressing buildings located within the Neighborhood Transition character district, and language calling for the neighborhood character to be preserved. Infill options remained the chief cause of concern and confusion. The NA board members indicated that the scaled back application of Cottage Lots, Urban Homes, and Corner Stores was better aligned with their understanding of the Intent for how those options could be applied. Michael Cosper, from the Salem Walk NA, expressed concern that a large part of the Salem Walk neighborhood is included in the Neighborhood Transition character district and the potential for increased impervious cover and flooding. Commissioner Stevens attended and spoke.

### **Southern Oaks (Westgate) – May 12**

Lizeth Gonzales, chair of SONA, opened the meeting by going through the positive aspects of the draft plan. The primary concern was the initially recommended infill options included in the public notice, which were removed from the recommendations following the special infill options meeting held on April 3. Small lot amnesty, the sole infill option that remained with a majority of participants' support following April 3, does not apply to any properties within Westgate and was removed from the recommendations. There was also some concern that deed restrictions—which attendees believed restricted lots to a principal home only—could be superseded by the infill options. Commissioner Stevens attended and spoke.

### **Cherry Creek Village (Garrison Park) – May 15**

Robin Matthews emceed the meeting. Primary concerns were with the infill options, including where they could be applied and that if adopted, options could be pursued without notification to neighbors. A few participants expressed concern that the Character District Map encouraged development by designating properties outside of the Residential Core as Neighborhood Transition, Neighborhood Node, or Mixed-Use Activity Hub. Mr. Matthews was especially concerned that the Berkeley United Methodist Church and Cunningham Elementary School were included in the Neighborhood Transition character district. Commissioner Stevens attended and spoke.

### **Cherry Creek Central (Garrison Park) – May 21**

Hilary Adamson, chair of the CCCNA, opened the meeting by going through some of the key concerns about the plan, as well as research the association had done to answer questions. Approximately 65 out of 70 homes were represented at the meeting. Primary concern with the neighborhood plan was the infill options, particularly the corner store, urban home, and cottage lot options. There was also some concern that deed restrictions—which attendees believed restricted lots to a principal home only—could be superseded by the infill options. Participants at the meeting were unanimously opposed to all

of the infill options, but satisfied with what they knew of the rest of the plan. Hilary Adamson, chair of the CCCNA, asked that attendees read the rest of the plan. Other concerns were with flooding and the potential increase in impervious cover as a result of the infill options. Commissioners Stevens and Jack attended and spoke.

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22

### **Woodhue (Garrison Park) – May 22**

A smaller group consisting of the steering committee and some interested neighbors met to discuss the current recommendations included in the draft plan. The group reviewed the proposals as they could apply to the Woodhue NA. **The group was in favor of the infill options as proposed, which include small lot amnesty, secondary apartments, and cottage lots and urban homes limited to the Neighborhood Transition character district. There was interest from some of the group to include the corner store option.** Commissioner Stevens attended and spoke.

### **Did not meet**

The Western Trails, Cherry Creek Southwest, and Manchaca Estates neighborhood associations were contacted about holding a neighborhood meeting to discuss the draft plan. Both Western Trails and Cherry Creek Southwest declined.

### **Joint NA meeting – May 27**

A group from the Western Trails, Southern Oaks, Cherry Creek Village, and Cherry Creek Central Neighborhood Associations met with Commissioner Hatfield to discuss concerns about the draft plan. Concerns were repeated from previous neighborhood association meetings: infill options, increased flooding as a result of development, the plan as an incentive to further redevelopment. Infill options were the primary concern, including potential conflicts with deed restrictions, by-right zoning through the overlay (lack of notification and neighborhood say on a case-by-case basis), and increased density.

Francis Riley

Austin City Planner

June 24, 2014

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Hi Francis,

As per your comments and the direction given at the City Planning Sub-Committee meeting on June 12, 2014 I am sending you several Deed Restrictions that pertain to Cherry Creek Phase III, Sections 1, 2, 3, and of The Village, Sec. 6 which is where my wife and I live.

All of these, and other DRs in the area, say essentially the same thing. The only difference I have noticed is that the required minimum square footage varies a bit....in some Sections it is 900 sf and in others it is 1,000 sf.

You have mentioned several times that "Deed Restrictions trump all" and your statements have been noted in several of the meetings you have had with Cherry Creek neighborhood associations. I believe this was indicated by Commission members also at some of the meetings and at the Sub-Committee meeting.

We take this very seriously and there are plans already underway to challenge any developer that disregards the Deed Restrictions and to bring the matter to the Planning Commission and City Council as appropriate.

Thanks again for your hard work during this planning process.

Respectfully,

  
Robin Matthews

Contact person for Cherry Creek Village Neighborhood Association

6303 Berkeley Cove

Austin, Tx. 78745

[ann-robin@sbcglobal.net](mailto:ann-robin@sbcglobal.net)

512-444-6083

RECIEVED

JUN 24 2014

Planning & Development Review

Beikalay Cove  
Cockburn  
Hermosa

THE STATE OF TEXAS ( )

021-5-2885- 4666 • 3.50

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COUNTY OF TRAVIS ( )

KNOW ALL MEN BY THESE PRESENTS:

That the Austex Development Company, Ltd., being the sole owner of all lots in The Village, Section Six, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 60, Page 51, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

→ \* 1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot, other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.

2. ARCHITECTURAL CONTROL. No building shall be erected or placed on any lot in The Village, Section Six nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Company, Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.

\* → 3. DWELLING COST, QUALITY AND SIZE. The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in The Village, Section Six shall contain not less than 900 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded. ~~percent ( ) of the area of the exterior walls of each dwelling shall be of masonry and/or stone construction.~~ It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.

4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

\* → 5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of The Village, Section Six.

6. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.



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7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No 'A'-Frame, hoist or other device for lifting vehicle or parts thereof, and no disabled vehicle shall be stored or parked in the open on any lot or on any street adjoining a lot.

8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.

9. SIGNS. No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. OIL AND MINING OPERATIONS. No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

11. COMMERCIAL USE. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austex Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in The Village, Section Six.

12. RESUBDIVISION. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

13. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.

14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

16. FENCES, WALLS AND HEDGES. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellises, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.

17. EXISTING DWELLINGS. No existing dwellings shall be moved onto any lot in this subdivision.

18. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless and instrument signed by a majority of the then owners of the lots in The Village, Section Six has been recorded, agreeing to change said covenants, conditions and restrictions, in whole or in part.

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19. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. SEVERABILITY. Invalidity of any one of these covenants by judgment or a court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

WITNESS its hand this 4th day of October, 1972.

AUSTEX DEVELOPMENT COMPANY LTD.

*Nash Phillips*

Nash Phillips, Attorney-in-Fact

THE STATE OF TEXAS ()

COUNTY OF TRAVIS ()

BEFORE ME, the undersigned authority, on this day personally appeared NASH PHILLIPS known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 4th day of October, 1972.

*Randy*

Notary Public in and for Travis County, Texas

NOTARY SEAL

(Notary Seal)

FILED  
OCT 5 8 27 AM '72  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS  
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as stamped hereon by me, on

OCT 5 1972



*Chris R. Hargrave*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

Ch 4  
2x

THE STATE OF TEXAS ( )  
COUNTY OF TRAVIS ( )

KNOW ALL MEN BY THESE PRESENTS:

That Austex Development Company, Ltd., being the sole owner of all lots in Cherry Creek Phase III, Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 60, Page 86, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

Blairwood  
Wilton Circle  
Berkeley Ave  
Lx To Alford  
INC 1462

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot, other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.

2. ARCHITECTURAL CONTROL. No building shall be erected or placed on any lot in said subdivision nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Company, Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.

3. DWELLING COST, QUALITY AND SIZE. The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in said subdivision shall contain not less than 1000 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded. Twenty-five percent (25 %) of the area of the exterior walls of each dwelling shall be of masonry and/or stucco construction. It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.

4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of said subdivision.

6. EASEMENTS. Public utility easements are reserved as shown on the recorded plat and over the rear seven and one half feet of each lot. These easements are reserved for installation and maintenance of public utilities and public drainage facilities, and they are also reserved in each block as needed for adequate surface drainage of the other lots within the block. Easements five feet in width are also reserved on each side of all side lot lines as needed for adequate surface drainage of the other lots within the block. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may change the direction of flow in the drainage channels or swales in the easements or which

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may obstruct or retard the flow of water through the drainage channels or swales in the easements. The easement area in each lot and all improvements in it shall be maintained by the owner of the lot except for those improvements for which a public authority or utility company is responsible.

7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No "A" Frame, hoist or other device for lifting vehicle or parts thereof, and no disable vehicle shall be stored or parked in the open on any lot or on any street adjoining any lot.

8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.

9. SIGNS. No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. OIL AND MINING OPERATIONS. No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

11. COMMERCIAL USE. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austex Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in said subdivision.

12. RESUBDIVISION. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

13. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.

14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive-way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

16. FENCES, WALLS AND HEDGES. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellisses, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.

17. EXISTING DWELLINGS. No existing dwellings shall be moved onto any lot in this subdivision.

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18. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots in said subdivision has been recorded, agreeing to change said covenants, conditions and restrictions, in whole or in part.

19. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. SEVERABILITY. Invalidity of any one of these covenants by judgment or a court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

WITNESS its hand this 14<sup>TH</sup> day of October, 1972.

AUSTEX DEVELOPMENT COMPANY, LTD.

*[Signature]*

Nash Phillips, Attorney-in-Fact

THE STATE OF TEXAS ( )

COUNTY OF TRAVIS ( )

BEFORE ME, the undersigned authority, on this day personally appeared NASH PHILLIPS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 14<sup>TH</sup> day of October, 1972.

NOTARY SEAL

*[Signature]*  
Notary Public in and for Travis County,  
Texas

(Notary Seal)

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as Stamped hereon by me, on

OCT 5 1972



*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
OCT 5 8 27 AM '72  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS (DEC 21-72) 6008 \* 3.50

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3<sup>rd</sup>  
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COUNTY OF TRAVIS ( )

KNOW ALL MEN BY THESE PRESENTS:

*Belton*  
*Kro*  
That the Austex Development Company, Ltd., being the sole owner of all lots in Cherry Creek Phase III, Section 2, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 62, Page 98, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

- \*
1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot, other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.
  2. ARCHITECTURAL CONTROL. No building shall be erected or placed on any lot in Cherry Creek, Phase III, Section 2 nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Company, Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.
  - 3. DWELLING COST, QUALITY AND SIZE. The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in Cherry Creek, Phase III, Section 2 shall contain not less than 900 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded. ~~percent ( ) of the area of the exterior walls of each dwelling shall be of masonry, and the minimum building size.~~ It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.
  4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.
  5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Cherry Creek, Phase III, Section 2.
  6. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No "A"-Frame, hoist or other device for lifting vehicle or parts thereof, and no disabled vehicle shall be stored or parked in the open on any lot or on any street adjoining any lot.
8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.
9. SIGNS. No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
10. OIL AND MINING OPERATIONS. No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.
11. COMMERCIAL USE. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austex Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in Cherry Creek, Phase III, Section 2.
12. RESUBDIVISION. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.
13. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.
14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
15. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive-way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.
16. FENCES, WALLS AND HEDGES. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellisses, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.
17. EXISTING DWELLINGS. No existing dwellings shall be moved onto any lot in this subdivision.
18. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless and instrument signed by a majority of the then owners of the lots in Cherry Creek, Phase III, Section 2 has been recorded, agreeing to change said covenants, conditions and restrictions, in whole or in part.



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19. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. SEVERABILITY. Invalidation of any one of these covenants by judgment or a court order shall in nowise effect any of the other provisions which shall remain in full force and effect.

WITNESS its hand this 15<sup>TH</sup> day of December, 1972

AUSTEX DEVELOPMENT COMPANY LTD

*[Signature]*  
Nash Phillips, Attorney-in-Fact

THE STATE OF TEXAS ()  
COUNTY OF TRAVIS () BEFORE ME, the undersigned authority, on this day personally appeared NASH PHILLIPS known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 15<sup>th</sup> day of December, 1972.

NOTARY SEAL

*[Signature]*  
Notary Public in and for Travis County, Texas

(Notary Seal)

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as Stamped hereon by me, on

DEC 21 1972



*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
Dec 21 8 42 AM '72  
*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS ( )  
COUNTY OF TRAVIS ( )

70-7909

KNOW ALL MEN BY THESE PRESENTS:

That the Austex Development Company, Ltd., being the sole owner of all lots in Cherry Creek, Phase III, Section 3, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 62, Page 99, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

\* 1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.

2. ARCHITECTURAL CONTROL. No building shall be erected or placed on any lot in Cherry Creek, Phase III, Section 3 nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Company, Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.

3. DWELLING COST, QUALITY AND SIZE. The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in Cherry Creek, Phase III, Section 3 shall contain not less than 900 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded. It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.

4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Cherry Creek, Phase III, Section 3.

6. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

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7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No "A" frame, hoist or other device for lifting vehicle or parts thereof, and no disabled vehicle shall be stored or parked in the open on any lot or on any street adjoining any lot.
8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.
9. SIGNS. No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
10. OIL AND MINING OPERATIONS. No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.
11. COMMERCIAL USE. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austex Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in Cherry Creek, Phase III, Section 3.
12. RESUBDIVISION. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.
13. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.
14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
15. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive-way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.
16. FENCES, WALLS AND HEDGES. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellises, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.
17. EXISTING DWELLINGS. No existing dwellings shall be moved onto any lot in this subdivision.
18. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless and instrument signed by a majority of the then owners of the lots in Cherry Creek, Phase III, Section 3 has been recorded, agreeing to change said covenants, conditions and restrictions, in whole or in part.

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19. **ENFORCEMENT.** Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. **SEVERABILITY.** Invalidation of any one of these covenants by judgment or a court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

WITNESS its hand this 12<sup>th</sup> day of December, 1972.

AUSTEX DEVELOPMENT COMPANY, LTD.

*[Signature]*  
Nash Phillips, Attorney-in-Fact

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THE STATE OF TEXAS ( )

COUNTY OF TRAVIS ( )

BEFORE ME, the undersigned authority, on this day personally appeared *Nash Phillips* known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 12<sup>th</sup> day of December, 1972.

NOTARY SEAL

*[Signature]*  
Notary Public in and for Travis County, Texas

(Notary Seal)

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped hereon by me; and was duly  
RECORDED; in the Volume and Page of the named RECORDS  
of Travis County, Texas, as Stamped hereon by me, on

DEC 21 1972



*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
Dec 21 8 42 AM '72  
*[Signature]*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS



THE STATE OF TEXAS

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COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That the Austex Development Co., Ltd., being the sole owner of Cherry Creek, Section 3, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 40, Page 48, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling.
2. No building shall be erected or placed on any lot in Cherry Creek, Section 3, nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Co., Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.
3. The total floor area of the main structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in Cherry Creek, Section 3, shall contain not less than 1000 square feet and shall cost not less than \$8,500.00 based upon cost levels prevailing on the date these covenants are recorded. It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size.
4. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or

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nearest than 10 feet to any side street line, except that a 20 foot side street building set back shall apply on lots 35 and 36, Block 4, and lot 1, Block 5. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. No dwelling shall be erected or placed on any lot having a width of less than 80 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 8,000 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Shady Brook, Section 3.

6. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear 5 feet of each lot.

7. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be placed on any lot at any time as a residence either temporarily or permanently.

9. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.



11. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austrex Development Co., Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in Cherry Creek, Section 3.

12. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

13. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for a commercial purpose.

14. No lot shall be used or maintained as dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

16. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellises, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.

17. No existing dwellings shall be moved onto any lot in this subdivision.

18. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument

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signed by a majority of the then owners of the lots in Cherry Creek, Section 3,  
has been recorded, agreeing to change said covenants, conditions and restrictions  
in whole or in part.

18. Enforcement shall be by proceedings at law or in equity against  
any person or persons violating or attempting to violate any covenant either  
to prevent violation or to recover damages.

19. Invalidation of any one of these covenants by judgment of a court  
order shall in no wise affect any of the other provisions which shall remain in  
full force and effect.

Witness our hand this 9th day of September, 1968.

AUSTIN DEVELOPMENT CO., LTD.

PARTNER

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, on  
this day personally appeared Nash Phillips

known to me to be the person whose name is subscribed to the foregoing instrument,  
and acknowledged to me that he executed the same for the purposes and conditions  
therein expressed.

Given under my hand and seal of office this 9th day of September, 1968.

(NOTARY SEAL)

Notary Public, Travis County, Texas

(Notary Seal)

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED in the  
Public and after due search, being by me, and that they  
RECORDED, in the Volume and Page of the public RECORDS  
of Travis County, Texas, as indicated herein by me, to

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COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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That the Austex Development Company, Ltd., being the sole owner of all lots in Cherry Creek, Phase II, Section Four, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 54, Page 82, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot, other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.

2. ARCHITECTURAL CONTROL. No building shall be erected or placed on any lot in Cherry Creek, Phase II, Section Four, nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by Austex Development Company, Ltd., or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.

3. DWELLING COST, QUALITY AND SIZE. The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in Cherry Creek, Phase II, Section Four shall contain not less than 900 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded.

It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.

4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building set back lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Cherry Creek, Phase II, Section Four.

6. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the

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7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No "A"-Frame, hoist or other device for lifting vehicle or parts thereof, and no disabled vehicle shall be stored or parked in the open on any lot or on any street adjoining any lot.
8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.
9. SIGNS. No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
10. OIL AND MINING OPERATIONS. No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.
11. COMMERCIAL USE. No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austax Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in Cherry Creek, Phase II, Section Four.
12. RESUBDIVISION. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.
13. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.
14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
15. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive-way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.
16. FENCES, WALLS AND HEDGES. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellises, and decorative fences included in the architectural design of the house and these shall be no more than 15 feet from the front house wall line.
17. EXISTING DWELLINGS. No existing dwellings shall be moved onto any lot in this subdivision.

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19. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. SEVERABILITY. Invalidation of any one of these covenants by judgment or a court order shall in nowise affect any of the other provisions which shall remain in full force and effect.

WITNESS its hand this 18<sup>th</sup> day of June, 1971.

AUSTEX DEVELOPMENT COMPANY, LTD.

*Nash Phillips*  
Nash Phillips, Attorney-in-Fact

THE STATE OF TEXAS ( )  
COUNTY OF TRAVIS ( ) BEFORE ME, the undersigned authority, on this day personally appeared Nash Phillips, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 18<sup>th</sup> day of June, 1971.

*Don H. Burgess*  
Notary Public in and for Travis County, Texas

NOTARY SEAL

(Notary Seal)

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stated herein by me; and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as indicated herein by me, on

JUN 21 1971

FILED

JUN 21 2 59 PM '71

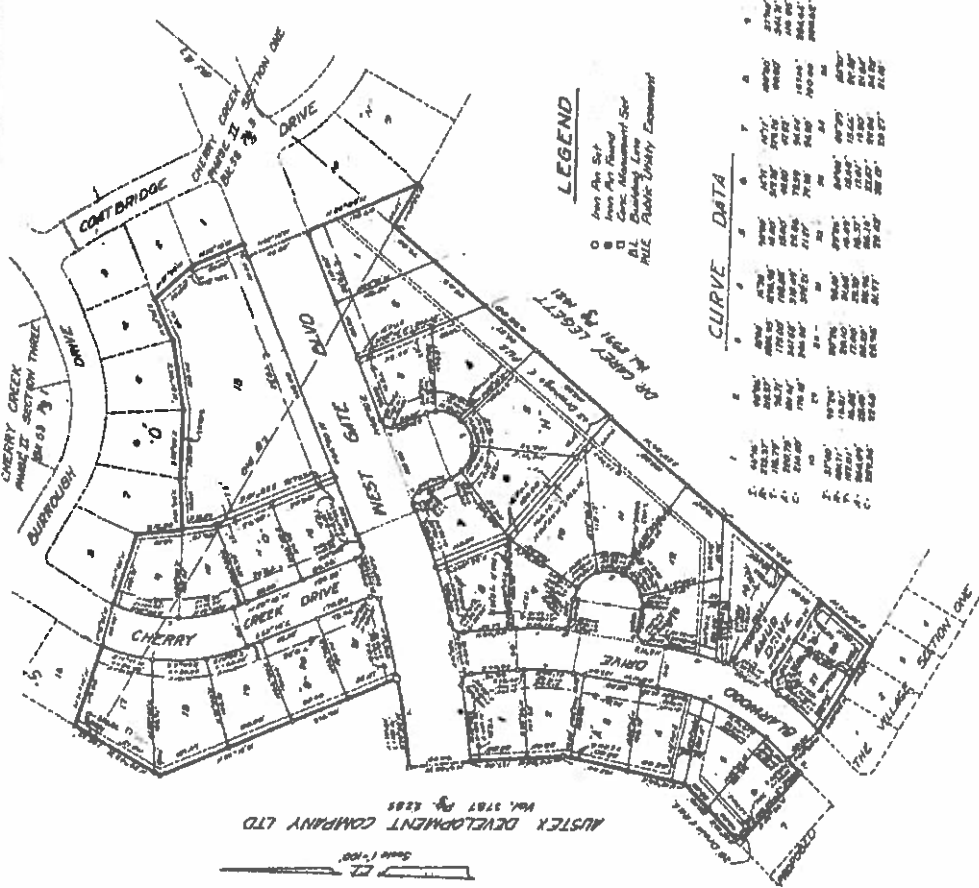
*David S. ...*

TRAV.

TEXAS

6-18-71 RECORDED 7184-1-1/2

43-9176



THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this 11th day of April, 1971, personally appeared James H. Black, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of April, 1971.

James H. Black  
Notary Public in and for Tarrant County, Texas

THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this 11th day of April, 1971, personally appeared James H. Black, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of April, 1971.

James H. Black  
Notary Public in and for Tarrant County, Texas

THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this 11th day of April, 1971, personally appeared James H. Black, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of April, 1971.

James H. Black  
Notary Public in and for Tarrant County, Texas

THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this 11th day of April, 1971, personally appeared James H. Black, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of April, 1971.

James H. Black  
Notary Public in and for Tarrant County, Texas

THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this 11th day of April, 1971, personally appeared James H. Black, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of April, 1971.

James H. Black  
Notary Public in and for Tarrant County, Texas

City of Dallas



43-9176

CHERRY CREEK  
PHASE II SECTION FOUR

C1-4  
46

THAT the AUSTEX DEVELOPMENT CO., LTD. being the sole owner of all lots in Cherry Creek, Phase II, Section Three, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in the Plat Book 53, Page 1, Plat Records of Travis County, Texas, hereby imposes the following covenants, conditions, and restrictions upon all of said property:

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for not more than three cars.
2. ARCHITECTURAL CONTROL: No building shall be erected or placed on any lot in Cherry Creek, Phase II, Section Three, nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to an approved in writing by Austex Development Company, Ltd. or its successors. If said building plans and specifications and said plot plan be not approved or disapproved within thirty days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and of the plot plan shall be conclusively presumed to have been had and obtained.
3. DWELLING COST, QUALITY AND SIZE: The total floor area of any single family structure or dwelling, exclusive of one-story open porches and garages or carports, built on any lot in Cherry Creek, Phase II, Section Three, shall contain not less than 900 square feet and shall cost not less than \$9,500.00 based upon cost levels prevailing on the date these covenants are recorded. It is the intention and purpose of this covenant to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size.
4. BUILDING LOCATION: No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet minimum, 35 feet maximum, to the front lot line, or nearer than

lines. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. C14/47

5. LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any lot having an area of less than 6500 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Cherry Creek, Phase II, Section Three.

6. EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

7. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No vehicle or motor repair work other than minor emergency repair shall be conducted on any lot or in the street or streets adjoining any lot. No "A"-Frame, hoist, or other device for lifting vehicle or parts thereof, and no disabled vehicle shall be stored or parked in the open on any lot or on any street adjoining any lot.

8. TEMPORARY STRUCTURES: No structures of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be placed or used on any lot at any time as a residence either temporarily or permanently.

9. SIGNS: No sign of any kind shall be displayed to the public view on any single family residential lot except one professional sign of not more than one square foot, one



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48

period.

CI-4/49

10. OIL AND MINING OPERATIONS: No oil drilling, oil development operation, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, crude oil tanks, tunnels, mining excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.
11. COMMERCIAL USE: No part of any of said property shall ever be used for a business or commercial purpose or for carrying on any trade or profession, except that Austex Development Company, Ltd., its successors, or agents may erect and maintain sales offices and exhibit houses in Cherry Creek, Phase II, Section Three.
12. RESUBDIVISION: No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.
13. LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.
14. GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
15. SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a drive-way or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.
16. FENCES, WALLS AND HEDGES: No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any lot, except for trellisses,

subdivision.

18. TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots of Cherry Creek, Phase II, Section Three has been recorded, agreeing to change said covenants, conditions and restrictions, in whole or in part.

19. ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. SEVERABILITY: Invalidation of any one of these covenants by judgment or a court order shall in nowise affect any of the other provisions which shall remain in full force and effect.

Witness its hand this 21<sup>st</sup> day of January, 19 71.

AUSTEX DEVELOPMENT COMPANY, LTD.

NASH PHILLIPS, ATTORNEY-IN-FACT

THE STATE OF TEXAS . §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day

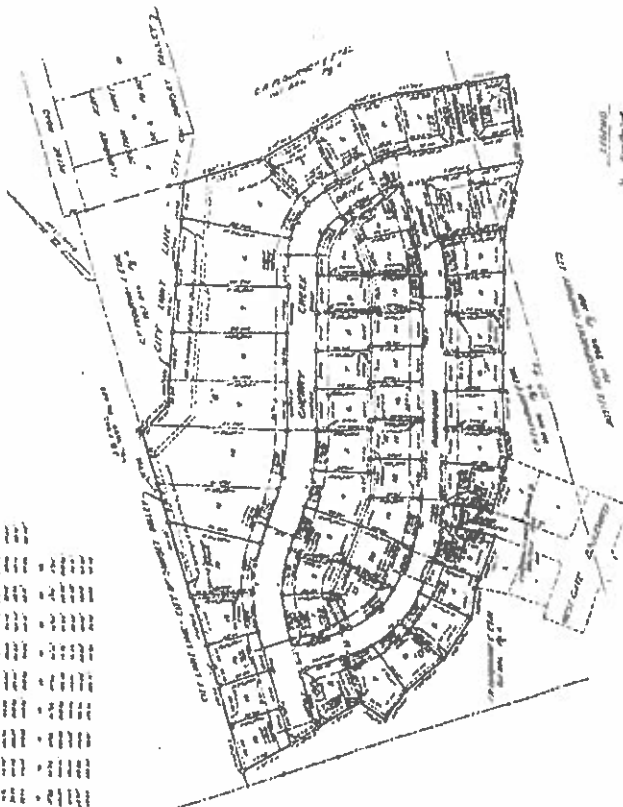
personally appeared Nash Phillips known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and conditions therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 21<sup>st</sup> day of January, 19 71.

NOTARY SEAL

Notary Public, in and for Travis County  
Texas

Country	Year	Value	Unit
Algeria	1990	1.00	1000
Algeria	1991	1.00	1000
Algeria	1992	1.00	1000
Algeria	1993	1.00	1000
Algeria	1994	1.00	1000
Algeria	1995	1.00	1000
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CHERRY CREEK PHASE II  
SECTION THREE

Few instructions see Book 4010, Page 1441.  
 Reed Amador, Miami County, Tex.  
 Maria Schenck  
 County, Clark Miami County.  
 Ag. Anthony Adams

Your list of 1748  
 letters of 1748

1007 Montgomery Avenue, Suite 100  
Baltimore, MD 21206-4401  
Tel: 410.526.1100  
Fax: 410.526.1101  
E-mail: info@montgomery.com

THE STATE OF TEXAS  
COUNTY OF TARRANT

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806-10

Page 10

Continued from page 9

THE UNIVERSITY OF CHICAGO  
LIBRARY

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1942-1943

of the University of Texas at Austin, Texas, and the University of California, Berkeley, California.

*Buckley* *James Buchanan*

Page 10 of 10

**Journal of Management Inquiry**

— 16.307 —

**THE UNIVERSITY OF CHICAGO**

COUNTY CLERK  
TRAVIS COUNTY, TEXAS

C14  
52

1491-1495

INDEXED

NOTATION MADE

*copy & return*  
N.P.C.  
Bof 45.4

+

STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me; and was duly  
RECORDED, in the Volume and Page of the record RECORDS  
of Travis County, Texas, as Stamped herein by me, on

FEB 16 1971



RESTRICTIONS  
FAIRMONT PARK SECTION II  
AUSTIN, TRAVIS COUNTY, TEXAS

APR 23 1935 4066 \* 3.50

NOW, THEREFORE LET IT BE KNOWN THAT, Fawn Ridge Development Corporation, a Texas Corporation, has purchased and acquired the following properties:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Block B, and Lots 1, 2, 3, 4, 5, Block C, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Block E, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block F, and Lots 1, 2, 3, Block G, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Block H, all of Fairmont Park, Section II, a subdivision in Austin, Travis County, Texas, according to the map or plat of record in Volume 39 Page 49, Plat Records of Travis County, Texas.

The corporation which presently owns the above described property has subdivided said property and will cause to be placed in the property all necessary physical arrangements, including streets, curbing gutter, and gas and water, in conformity with the existing ordinances of the City of Austin for the purpose of subdividing the properties and offering the same for sale.

1. None of said lots shall be used other than for residential purposes, no building shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for no more than three cars.

2. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in part 2 (a).

2. (a) The Architectural Control Committee is composed of Bill Milburn, 3200 South Congress, Austin, Texas; Richard Scherk, 1100 West 38th St., Austin, Texas; and Leopold Danke, 1100 West 38th St., Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

3. No dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than \$12,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1400 square feet for a one-story dwelling, nor less than 800 square feet for a dwelling of more than one story.

4. No building shall be located on any of said lots nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any of said lots nearer than 25 feet minimum or 35 feet maximum to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line except

DEED RECORDS  
Travis County, Texas

3472 219



C1-4  
54

in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot herein described within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any of said lots within ten feet from the intersections of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

16. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any of said lots.

17. No existing dwellings shall be moved onto any lot in this subdivision.

18. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded. After which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots in Fairmont Park, Section II, has been recorded, stating to change said covenants, conditions, and restrictions, in whole or in part.

19. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. Invalidity of any one of these covenants by judgment or a court order shall in no wise effect any of the other provisions, which shall remain in full force and effect.

WITNESS my hand this the 26<sup>th</sup> day of April, 1968.

FAWN RIDGE DEVELOPMENT CORPORATION

BY: Bill Milburn  
Bill Milburn, President

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Bill Milburn, President of Fawn Ridge Development Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said corporation.

GIVEN under my hand and seal of office this the 26<sup>th</sup> day of April, 1968.

NOTARY PUBLIC  
STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this instrument was filed on the 26<sup>th</sup> day of April, 1968, in the volume and page of the public records of Travis County, Texas, as stamped herein by me, on

Gail McCall  
Notary Public in and for Travis  
County, Texas

MAY 1 1968



Emilie L. Loring  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

3472

221

FILED  
MAY 1 1968  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

PETITION

C14/5

Date: June 5, 2014

File Number: \_\_\_\_\_

To: Austin City Council  
From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<i>Mark H. Dowsell</i>	Mark H. Dowsell	5906 Cherry Creek Dr.
<i>Clara Blakely</i>	CLARA BLAKELY	5910 Cherry Creek Dr.
<i>Don Burke</i>	DON BURKE	5922 Cherry Creek Dr.
<i>Peter Ryan</i>	Peter Ryan	5911 Cherry Creek Dr.
<i>Claudia Tausch</i>	Claudia Tausch	6000 Cherry Creek Dr.
<i>Mildred Vicedo-Dinner</i>	Mildred Vicedo-Dinner	6002 Cherry Creek Dr.
<i>Hector H. Mendieta</i>	HECTOR H. MENDIETA	6005 CHERRY CREEK DR
<i>Brock O'Hearn</i>	Brock O'HEARN	6001 Cherry Creek Dr.
<i>Carol O'Hearn</i>	CAROL O'HEARN	6001 Cherry Creek Dr.
<i>Paul M. Sexton</i>	Paul M. Sexton	5807 Cherry Creek Dr.
<i>Paula Simpson</i>	Paula Simpson	5806 Cherry Creek Dr.
<i>Stuart Adams</i>	Stuart Adams	5806 Cherry Creek Dr.
<i>Stuart Adams</i>	Stuart Adams	5900 Cherry Creek Dr.
<i>Hilary Adams</i>	Hilary Adams	5900 Cherry Creek Dr.

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080

PETITION

CH 1/6

Date: June 5, 2014

File Number: \_\_\_\_\_

To: Austin City Council  
From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<i>H. Shumaker</i>	Hiroko Shumaker	5804 Cherry Creek
<i>Lori Garrigus</i>	LORI GARRIGUS	5801 Cherry Creek
<i>Leigh Everett</i>	Leigh Everett	5802 Cherry Creek
<i>Bobbie Everett</i>	BOBBIE EVERETT	5802A Cherry Creek
<i>Kary A. Jones</i>	KARY A. JONES	5710 Cherry Creek
<i>Delma Ulrich</i>	Delma Ulrich	5706 Cherry Creek
<i>Arthur Ulrich</i>	ARTHUR ULRICH	5706 Cherry Creek
<i>Virginia C. Ward</i>	VIRGINIA C. WARD	5704 Cherry Creek Dr.
<i>Cathy A. Saxton</i>	Cathy A. Saxton	5807 Cherry Creek
<i>Mary Jo Bjornstal</i>	MARY JO BJORNSTAL	5809 Cherry Creek
<i>George C. Davis</i>	GEORGE C. DAVIS	5811 Cherry Creek
<i>Judith A. Davis</i>	Judith A. Davis	5811 Cherry Creek Dr.
<i>Dolores Belvin</i>	Dolores Belvin	5802 Cherry Creek Dr.
<i>Mary Matis</i>	MARY MATIS	5804 Cherry Creek Dr.

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080



# PETITION

14/58

File Number: \_\_\_\_\_ Date: June 5, 2014

To: Austin City Council  
From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

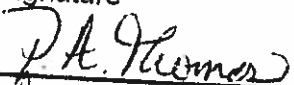
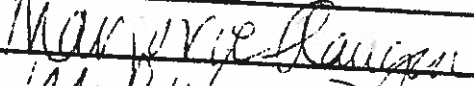
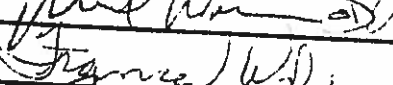
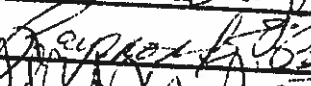
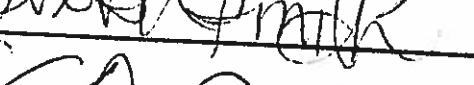



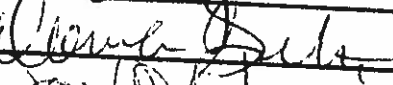

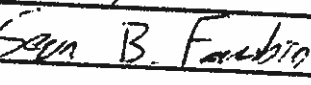



NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	Pat A. Thomas	5909 Burrough Dr 78743
	Marjorie Flanagan	5103 Burrough Dr 787
	MARK WEAVER	5804 Burrough Dr 787
	Frances Wylie	5900 Burrough Dr 78743
	RAYMOND E. DeThomaz	5915 Burrough Dr 7874
	TERESA SMITH	5905 Burrough Dr 78743
	Samantha McMahon	5807 Burrough Dr 7874
	Adlai McMahon	5807 Burrough Dr 787
	Coral Southwell	5906 Burrough Dr 787
	Terry Southwell	5906 Burrough Dr 78745
	LAURA RAY	5913 Burrough Dr 78745
	Donna Grebert	5904 Burrough Dr 7874
	Jay Robertson	5911 Burrough Dr 78745
	David Ray	5913 Burrough Dr 78745
	Sean Faulkner	2700 coat bridge Dr.

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080

# PETITION

114/58

File Number: \_\_\_\_\_

Date: June 5, 2014

To: Austin City Council  
From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	B.J. WOLF	5805 Burrough Dr 78745
	Felinda Casey	5802 Burrough Dr 78745
	Barry Hudson	5803 Burrough Dr 78745
	Lewis McCarroll	5800 Burrough Dr 78745
	Virginia McCarroll	5800 Burrough Dr 78745
	James Espinosa	5702 Burrough Dr 78745
	Gloria Espinosa	"
	Alejandra Espinosa	"
	Charlotte Hutcheson	5803 Burrough Dr 78745
	Thomas Cebulka	5801 Burrough Dr 78745
	NORMA J. WOLF	5805 Burrough Dr 78745
	Kemi Paul	5902 Burrough Dr 78745
	Sumir Nowzaradan	5902 Burrough Dr 78745
	Laura Collazo	5908 Burrough Dr 78745
	Sumir Collazo	5908 Burrough Dr 78745

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080

# PETITION

C1-4/59

File Number: \_\_\_\_\_

Date: June 5, 2014

To: Austin City Council

From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Rosemary HeFlay	5803 Cherry Creek Dr
	Mary J Worrel	6004 Cherry Cr
	Richard Hamrick	5908 Cherry Creek Dr
	Liz Reyes	5908 Cherry Creek Dr
	Jane Barton	5905 Cherry Creek Dr
	Rodgers Fullin	5905 Cherry Creek Dr
	James M. Clacker	5903 Cherry Creek Dr
	Stanley Schuster	5711 Cherry Creek Dr
	Cherie Hanson	6003 Cherry Creek Dr
	Anthony J. Hanson	6003 Cherry Creek Dr
	Frankie HeFlay	5805 Cherry Creek Dr
	Jill Cross	5708 Cherry Creek Dr
	Josh Cross	5708 Cherry Creek Dr
	Britt Kushner	5712 Cherry Creek Dr
	Katherine Houck	5800 Cherry Dr

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080

$$C^{14}_6O$$

File Number: \_\_\_\_\_





We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

The overlay infill options are:

- **In direct conflict with our deed restrictions.** We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
  - The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.
- NOTE: Our deed restrictions:

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

### Address

Signature	Printed Name	Address
	Brink Melton	2702 Coatsbridge Dr.
	Rick Melton	2702 Coatsbridge Dr.
	Sam Rogers	2703 Coatsbridge
	Lizbeth Runyan	2703 Coatsbridge Dr.

**Contact Number: 512-731-8080**

PETITION

C1461

Date: June 5, 2014

File Number: \_\_\_\_\_

To: Austin City Council

From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In direct conflict with our deed restrictions. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Thomas R. Neulle

Thomas R. Neulle

5800 Cherry Creek Dr.

Date: June 5, 2014

Contact: Hilary Adamson

Contact Number: 512-731-8080



June 12, 2014

NEIGHBORHOOD PETITION TO OPT OUT OF INFILL OPTIONS OF SACNP

all  
1/2

To: Planning and Zoning Commission and Austin City Council

From: Cherry Creek Central Neighborhood Association

We, the undersigned owners of property and neighborhood association members request the removal all infill options and related zoning by the South Austin Combined Neighborhood Plan within the Cherry Creek Central Neighborhood Association boundaries. We do hereby protest against all infill options and related zoning proposed in the SACNP within our association boundaries:

Why we protest:

The overlay infill options are:

- In **direct conflict with our deed restrictions**. We wish to maintain the character of our neighborhood in its current state in accordance with our current deed restrictions and thereby protect our property value and way of life.
- The subdivision of lots and increased density development proposed within our neighborhood and surrounding areas will add to the current flooding problems current development has already caused within our neighborhood association boundaries.

NOTE: Our deed restrictions, neighborhood association boundary, and SACNP map are attached for reference.

ATTACHMENTS TO SIGNED PETITION:

Deed Restrictions for Cherry Creek, Phase II, Section Three and Section Four

Map of Cherry Creek Central N.A. boundary and flood map of FEMA buy/out properties and current flooding issues

Cherry Creek Central Neighborhood Association  
Contact: Hilary Adamson, Neighborhood President

5906 Cherry Creek Dr.

Contact Number: 512-731-8080

Hi Francis,

Cl 4  
63

These are from several different subdivisions within the Southern Oaks neighborhood.

They are copied from the county records so I don't have the exact streets they cover. I can get this for you if needed.

You should have a few others sent by other neighbors.

Let me know if you need more information on these.

Thanks

Bonnie Lane

Fairmont Park  
Dec 1

RESTRICTIONS  
FAIRMONT PARK SECTION I  
AUSTIN, TRAVIS COUNTY, TEXAS

C-4  
640

OCT - 3-6625- 7770 \* 350

NOW, THEREFORE LET IT BE KNOWN THAT, Fawn Ridge Development Corporation, a Texas Corporation, has purchased and acquired the following properties:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Block E, and Lots 1, 22, 21, 20, Block C, and Lots 16, 17, Block B, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Block D, all of Fairmont Park, Section I, a subdivision in Austin, Travis County, Texas, according to the map or plat of record in Volume 30, Page 26, Plat Records of Travis County, Texas.

The corporation which presently owns the above described property has subdivided said property and will cause to be placed in the property all necessary physical arrangements, including streets, curbing gutter, and gas and water, in conformity with the existing ordinances of the City of Austin for the purpose of subdividing the properties and offering the same for sale.

1. None of said lots shall be used other than for residential purposes; no building shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for no more than three cars.
2. No building shall be erected or placed on any of said lots in Fairmont Park, Section I, nor shall any existing structure be altered until the building plans and specifications and a plot plan have been submitted to and approved in writing by Bill Milburn. If said specification and said plot plan be not approved or disapproved within thirty days following date on which the same are submitted for approval, or if no injunction suit shall be conclusively presumed to have been had and obtained.
3. It being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum costs permitted dwelling size. The ground floor area of any main structure, exclusive of porches and garages, shall be not less than 1200 square feet on one level or single story dwellings, the ground floor area of any 1½, 2, or 2½ story dwellings shall not be less than 750 square feet, all structures shall have a minimum of 50% masonry.
4. No building shall be located on any of said lots nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any of said lots nearer than 25 feet minimum or 35 feet maximum to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building setback line. No dwelling shall be located on any of the interior lots nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot. The above minimum and maximum setbacks may be altered slightly to save existing trees on building sites at the judgement of the above building control committee, and within the regulations of the City of Austin, Travis County, Texas.
5. No dwelling shall be erected or placed on any of said lots having a width of less than 60 feet at the minimum building setback line.
6. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.
7. No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

See  
attached  
amendment

8. No structure of a temporary character, trailer, basement, tent, shack, garage, bar, or other outbuilding shall be placed on any of said lots at anytime as a residence either temporarily or permanently.

9. Duplexes will be permitted on any lot in said subdivision.

10. No sign of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

11. No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any of them. No derrick or other structure designed for use in boring for oil or natural gas shall be effected, maintained, or permitted upon any of said lots.

12. No part of any of said lots shall ever be used for a business or commercial purpose or for carrying on any trade or profession, provided, however, any of the lots in said subdivision may be used by Bill Milburn, or his successors or assigns, on a temporary basis for offices and exhibit houses.

13. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

14. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any of said lots, except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.

15. None of said lots shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

16. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot herein described with the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any of said lots within ten feet from the intersections of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

17. No fence, wall, or hedge shall be built or maintained forward of the front line of any house erected on any of said lots.

18. No existing dwellings shall be moved onto any lot in this subdivision.

19. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots in Fairmont Park Section I, has been recorded, agreeing to change said covenants, conditions, and restrictions, in whole or in part.

20. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

21. Invalidity of any one of these covenants by judgment or a court order shall in no wise effect any of the other provisions, which shall remain in full force and effect.

THE STATE OF TEXAS

INSTRUMENT NO. 7-6728- 7438

225

COUNTY OF TRAVIS

C14  
66 2 25

WHEREAS, the undersigned are the owners of the lots enumerated and described in instrument in writing dated September 30, 1966, recorded in Volume 3190, Page 2038, Deed Records of Travis County, Texas, said lots all being in Fairmont Park Section I, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in Volume 30, Page 26, Plat Records of Travis County, Texas;

AND WHEREAS, the undersigned, Fawn Ridge Development Corporation, in the foregoing instrument in writing recorded in Volume 3190, Page 2038, Deed Records of Travis County, Texas, caused to be impressed and fixed on the foregoing property certain restrictive covenants among which were the following:

"3. It being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum costs permitted dwelling size. The ground floor area of any main structure, exclusive of porches and garages, shall be not less than 1200 square feet on one level or single story dwellings, the ground floor area of any 1 1/2, 2, or 2 1/2 story dwellings shall not be less than 750 square feet, all structures shall have a minimum of 50% masonry.

9. Duplexes will be permitted on any lot in said subdivision".

AND WHEREAS, the undersigned owners of said property desire to amend said quoted restrictions so as to permit the erection of duplexes on only two lots thereof and also desire to provide for a minimum cost of house erected on said properties;

NOW, THEREFORE, the undersigned do hereby amend and modify the above quoted restrictions by cancelling the same and by substituting therefor the following restrictive covenants:

"3. It being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum costs permitted dwelling size. The ground floor area of any main structure, exclusive of porches and garages, shall be not less than 1200 square feet on one level or single story dwellings, the ground floor area of any 1 1/2, 2, or 2 1/2 story dwellings shall not be less than 750 square feet, all structures shall have a minimum of 50% masonry, and said buildings shall cost no less than the sum of \$10,000.00.

9. One or two family duplex buildings may be erected on Lots Nos. 16 and 17, Block B, Fairmont Park Section I aforesaid."

DEED RECORDS

Travis County, Texas



EXECUTED this 16th day of January, A.D., 1967.

FAWN RIDGE DEVELOPMENT CORPORATION

BY: Bill Milburn  
Bill Milburn, President

BRIMWOOD DEVELOPMENT COMPANY

BY: Bill Milburn  
Bill Milburn, President

BILL MILBURN, INC.

BY: Bill Milburn  
Bill Milburn, President

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Bill Milburn, President of Fawn Ridge Development Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said corporation.

GIVEN under my hand and seal of office this 16th day of January, A.D., 1967.

(NOTARY SEAL)

Gail Nichols  
Notary Public, Travis County, Texas

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Bill Milburn, President of Brimwood Development Company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said corporation.

GIVEN under my hand and seal of office this 16th day of January, A.D. 1967.

(NOTARY SEAL)

Gail Nichols  
Notary Public, Travis County, Texas

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Bill Milburn, President of Bill Milburn, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said corporation.

GIVEN under my hand and seal of office this 16th day of January, A.D., 1967.

(NOTARY SEAL)

Gail Nichols  
Notary Public, Travis County, Texas

DEED RECORDS  
Travis County, Texas

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Section II

RESTRICTIONS  
FAIRMONT PARK SECTION II  
AUSTIN, TRAVIS COUNTY, TEXAS  
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NOW, THEREFORE LET IT BE KNOWN THAT, Fawn Ridge Development Corporation, a Texas Corporation, has purchased and acquired the following properties:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Block A, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Block B, and Lots 1, 2, 3, 4, 5, Block C, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Block E, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block F, and Lots 1, 2, 3, Block G, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Block H, all of Fairmont Park, Section II, a subdivision in Austin, Travis County, Texas, according to the map or plat of record in Volume 39 Page 49, Flat Records of Travis County, Texas.

The corporation which presently owns the above described property has subdivided said property and will cause to be placed in the property all necessary physical arrangements, including streets, curbing gutter, and gas and water in conformity with the existing ordinances of the City of Austin for the purpose of subdividing the properties and offering the same for sale.

1. None of said lots shall be used other than for residential purposes, no building shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for no more than three cars.

2. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in part 2 (a).

2. (a) The Architectural Control Committee is composed of Bill Milburn, 3200 South Congress, Austin, Texas; Richard Scherk, 1100 West 38th St., Austin, Texas; and Leopold Danze, 1100 West 38th St., Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

3. No dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than \$12,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1400 square feet for a one-story dwelling, nor less than 800 square feet for a dwelling of more than one story

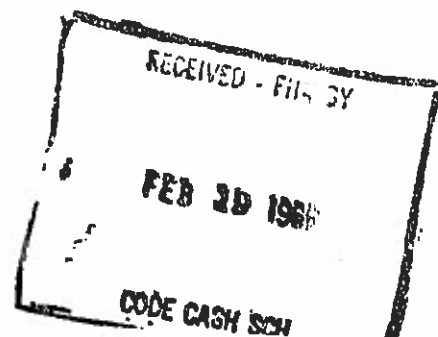
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one-story open porches and garages, shall be not less than 1400 square feet for a one-story dwelling, nor less than 800 square feet for a dwelling more than one story.

4. No building shall be located on any of said lots nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any of said lots nearer than 25 feet minimum or 35 feet maximum to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line except

DEED RECORDS  
Travis County, Texas

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that no side yard shall be required for a garage or other permitted access building located 50 feet or more from the minimum building setback line. No dwelling shall be located on any of the interior lots nearer than 5 feet to the rear lot line. For the purposes of this covenant, eaves, steps, porches, and porches shall not be considered as part of building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot. The above minimum and maximum setbacks may be altered slightly to save existing trees on building sites at the judgement of the above building control committee, and within the regulations of the City of Austin, Travis County, Texas.

5. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 7500 square feet, except that a dwelling may be erected or placed on lots as shown on the recorded plat.

6. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

7. No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. No structure of a temporary character, trailer, basement, tent, shack, garage, bar, or other outbuilding shall be used on any of said lots at anytime as a residence either temporarily or permanently.

9. No sign of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

11. No part of any of said lots shall ever be used for a business or commercial purpose or for carrying on any trade or profession, provided, however, any of the lots in said subdivision may be used by Bill Milburn, or his successors or assigns, on a temporary basis for offices and exhibit houses.

12. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

13. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any of said lots, except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose.

14. None of said lots shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except

in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot herein described within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any of said lots within ten feet from the intersections of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

16. No fence, wall, or hedge shall be built or maintained forward of the front wall line of any house erected on any of said lots.

17. No existing dwellings shall be moved onto any lot in this subdivision.

18. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots in Fairmont Park, Section II, has been recorded, agreeing to change said covenants, conditions, and restrictions, in whole or in part.

19. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

20. Invalidity of any one of these covenants by judgement or a court order shall in no wise effect any of the other provisions, which shall remain in full force and effect.

WITNESS my hand this the 26<sup>th</sup> day of April, 1968.

FAWN RIDGE DEVELOPMENT CORPORATION

BY: Bill Milburn  
Bill Milburn, President

STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Bill Milburn, President of Fawn Ridge Development Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the president of said corporation.

GIVEN under my hand and seal of office this the 26<sup>th</sup> day of April, 1968.

COUNTY OF TRAVIS

I hereby certify that this instrument was filed on the 26<sup>th</sup> day of April, 1968, at 11:00 AM, and that the same is a true and correct copy of the original as filed in my office.

David McNeill  
Notary Public in and for Travis

County, Texas



THE STATE OF TEXAS     ::  
COUNTY OF TRAVIS     ::     SHOW ALL MEN BY THESE PRESENTS:

WHEREAS, Nelson Puett, Jr. and H. L. Harper and wife, Margie Harper, being the owners, and The Capital National Bank in Austin and The Austin National Bank, being the lienholders, of that certain subdivision known as Southern Oaks, Section One, a subdivision in Travis County, Texas, according to the map or plat of record in Vol. 9, Page 39, of the Travis County Plat Records, hereby impose the following covenants, conditions and restrictions upon all of said property.

LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes, except that one sales office may be erected and maintained by the subdivider or his agents for the exclusive sale of lots and homes in this subdivision. All lots in this subdivision shall be used for single family dwellings only, except Lot 13, Block B, and Lot 14, Block B, which may be used for duplexes. No dwelling constructed elsewhere shall be moved to any lot in this subdivision.

EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence either temporarily or permanently.

NUISANCES: No noxious and offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

SIGNS: No sign of any kind shall be displayed to public view on any lot or house except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at

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points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

DWELLING COST, QUALITY AND SIZE: No dwelling, exclusive of open porches, garages, carports, and patios, shall be permitted on any lot at a cost of less than \$10,000.00 for a single family dwelling or \$14,000.00 for a duplex based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 1,000 square feet for a one-story single family dwelling, nor less than 1,300 square feet for a duplex. In addition, all dwellings erected shall contain at least twenty-five percent (25%) masonry construction.

BUILDING LOCATION: No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In no event, no building shall be located on any lot nearer than 25 feet nor more than 35 feet from the front lot line, nor nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 45 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 25 feet to the rear lot line. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any part of a building on a lot to encroach upon another lot. No fence, wall, or hedge shall be built or maintained forward of the front wall line of the respective house.

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ARCHITECTURAL CONTROL: No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality or workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in "Procedure".

MEMBERSHIP: The architectural control committee is composed of Nelson Puett, Jr., V. G. Mann and John McPhaul, of 5425 Burnet Road, Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

PROCEDURE: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having a width of less than 65 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet.

OIL AND MINING OPERATIONS: No oil drilling or oil operations by way of development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations

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or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintain as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title to property in this subdivision, whether by descent, devise, purchase or in any manner whatsoever and any person or persons in accepting title to any lot or plat in this subdivision shall thereby agree and covenant to abide by and fully perform the restrictions and covenants herein set out.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from so doing or to correct such violation or to recover damages or other dues for such violation.

These restrictions and covenants shall be binding until January 1, 1983

On and after January 1, 1983, these restrictions and covenants shall automatically be extended for successive periods to ten (10) years each, unless by a vote of 3/4ths majority of the then owners of the lots or plots in this subdivision, it is agreed to amend or change these restrictions in whole or in part.

Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

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*Southern Oaks Section 4*

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THE STATE OF TEXAS, COUNTY OF TRAVIS: WHEREAS, Wilson Postt, Jr., being the owner of that certain subdivision known as SOUTHERN OAKS, SECTION 4, a subdivision in Travis County, Texas, according to the map or plat of record in Vol. 11, Pg. 47, of the Travis County Plat Records, hereby imposes the following covenants, conditions and restrictions upon all of said property.

**LAND USE AND BUILDING TYPE:** No lot shall be used except for residential purposes, except that one sales office may be erected and maintained by the subdivider or his agents for the exclusive sale of lots and homes in this subdivision. All lots in this subdivision shall be used for single family dwellings only. No dwelling constructed elsewhere shall be moved to any lot in this subdivision.

**EASEMENTS:** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

**TEMPORARY STRUCTURES:** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-buildings shall be used on any lot at any time as a residence either temporarily or permanently.

**NUISANCES:** No noxious and offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

**SIGNS:** No sign of any kind shall be displayed to public view on any lot or house except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

**SIGHT DISTANCES AT INTERSECTIONS:** No fences, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 5 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

**BUILDING COST, QUALITY AND SIZE:** No dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than \$25,000.00 for a single family dwelling based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structures, exclusive of one story open porches and garages, shall not be less than 800 square feet for a one story single family dwelling. In addition, all dwellings erected shall contain at least twenty-

**BUILDING LOCATION:** No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In no event, no building shall be located on any lot nearer than

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25 feet nor more than 35 feet from the front lot line, nor nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 45 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 35 feet to the rear lot line. For the purpose of this covenant, eaves, steps and porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any part of a building on a lot to encroach upon another lot. No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective house.

**ARCHITECTURAL CONTROL:** No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure shall have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in "Procedure".

**MEMBERSHIP:** The architectural control committee is composed of Nelson Rust, Jr., V. G. Mann and A. S. Duncan, of 5425 Burnet Road, Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of the powers and duties.

**PROCEDURE:** The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

**LOT AREA AND WIDTH:** No dwelling shall be created or placed on any lot having an area of less than 6,500 square feet.

**OIL AND MINING OPERATIONS:** No oil drilling or oil operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

**LIVESTOCK AND POULTRY:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

**GARBAGE AND REFUSE DISPOSAL:** No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All in-

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generators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. These

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title to property in this subdivision, whether by descent, devise, purchase or any manner whatsoever and any person or persons in accepting title to any lot or plot in this subdivision shall thereby agree and covenant to abide by and fully perform the restrictions and covenants herein set out.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from doing or to correct such violation or to recover damages or other dues for such violation.

These restrictions and covenants shall be binding until January 1, 1966.

On and after January 1, 1966, these restrictions and covenants shall automatically be extended for successive periods of ten (10) years each, unless by a vote of three-fourths majority of the then owners of the lots or plots in this subdivision, it is agreed to amend or change these restrictions in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Executed on this the 24th day of October, 1961.

  
NELSON PUETT, JR.

THE STATE OF TEXAS :  
COUNTY OF TRAVIS :

Before me, the undersigned authority, on this day personally appeared Nelson Puett, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, on this the 24th day of October, 1961.

  
CHAS B. LEE  
Notary Public, Travis County, Texas

Filed for record Oct 13, 1961 at 4:25 P.M.  
Recorded Oct 13, 1961 at 4:35 P.M.

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Quality Construction  
Residential and Commercial

**J. E. Shuler**  
GENERAL CONTRACTOR  
Hickory 2-4477

PLAT 2359 PAGE 193  
2001 Park Middle Pass  
Austin 4, Texas

J. E. SHULER

APR 15 1955 - 1955 \* 4.50

TO

THE PUBLIC

THE STATE OF TEXAS:

COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS: That I, J. E. Shuler, owner of Oakglen Park, Section One as shown on the plat thereof recorded in Plat Book 10, Page 58 of the Travis County Plat Records, do hereby impress all of the property included in Oakglen Park, Section One, with the following restrictions and covenants:

1. For the purpose of these restrictions and covenants, a "plot" as used shall be understood to consist of a lot or lots having contiguous frontage, and all lots included in these restrictions in this subdivision shall be known and described as residential lots.

2. No building other than a one-family dwelling, ~~servant's quarters~~, shall be erected or permitted to remain on any plot. Garages and servant's quarters which may be constructed in connection with dwellings shall be attached to the dwelling.

3. All dwellings erected on any plot shall be used exclusively for residential purposes, and no lot or part of any lot may be used for any business purpose. Signs which show commercial use of any building or lot shall not be erected.

4. Residences constructed on lots in this subdivision shall be located on the lots so as to comply with the minimum set-back requirements of the City of Austin, as set out in the plat of Oakglen Park, Section One, and in no event shall a dwelling be located nearer than twenty-five (25') feet to, nor more than forty feet (40') from the front lot boundary, nor shall any building be nearer than ten (10') feet (10') to the lot boundary along any side street. No building shall be located nearer than five feet (5') to an interior lot line. No corner lot shall be resubdivided or used as to permit an additional dwelling facing on a side street.

5. No fence, wall or hedge shall be built or maintained forward of the front wall line of the building or residence house with the following exception: A fence, wall, or hedge may be built, providing it is maintained in good order, along the extreme west property line of lots no. five (5), six (6), and fifteen (15). No fence or wall may be built or maintained at the property line dividing lots No. five (5) and six (6).

6. No trailer, tent, shack, barn or outbuilding shall be permitted on

*Oakglen & and 1st 5 lots on Jones Rd, west of Manchaca*

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Quality Construction  
Residential and Commercial

*J. E. Shuler*  
GENERAL CONTRACTOR  
Hickory 2-4477

4005 Park Saddle Pass  
Austin 4, Texas

RESTRICTIONS  
OAKGLEN PARK, SEC. 1  
Page 2

any lot. Each dwelling will be occupied by no more than one family at a time. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred, or maintained for commercial purposes.

7.  
No noxious or offensive activity shall be carried out upon any lot, nor shall any be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8.  
No lot shall be used or maintained as a dumping ground for rubbish; trash, garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

9.  
Easements are reserved as shown on the recorded plat. A five ft. (5') easement for utility installation and maintenance is reserved off of the rear of each platted lot, whether or not such easement is shown on the plat.

10.  
No dwelling or building shall be erected on any of said lots, nor shall any structure be altered until the building plans and specifications and a plot plan have been submitted to and approved in writing by J. E. Shuler or his order; however, if said building plans and specifications and said plot plan shall not have been approved or disapproved within thirty (30) days following the date on which the same are submitted for approval, or if no injunction suit shall have been commenced prior to the completion of the work, then proper approval of the building plans and specifications and plot plan shall be conclusively presumed.

11.  
No dwelling shall be constructed or permitted to remain on the premises that is of box construction nor shall any structure which has been erected elsewhere be moved onto said premises.

12.  
Eighty percent (80%) of the area of the exterior walls of each dwelling erected in this subdivision shall be of masonry construction.

13.  
No structure shall be erected or maintained on any building plot which plot has an area of less than seven thousand five hundred (7,500) square feet.

283

C1-4/81

Quality Construction  
Residential and Commercial

*J. E. Shuler*  
GENERAL CONTRACTOR  
Hickory 2-4477

WP 2359 PAGE 195

2225 Park Middle Place  
Austin 4, Texas

RESTRICTIONS  
OAKGLEN PARK, SEC. 1.  
Page 3

14.

No structure or building shall contain less than 1,350 square feet of ground floor area exclusive of the area of porches, carports, garages, and terraces. Any structure or building shall cost not less than Twelve Thousand Dollars (\$ 12,000.00) exclusive of the cost of porches, carports, garages and terraces and the cost of the building site, such cost being based upon cost levels prevailing on the date these covenants are recorded.

It is the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that that can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size.

15.

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title to property in this subdivision, whether by descent, devise, purchase, or in any manner whatsoever, and any person or persons in accepting title to any lot or plot in this subdivision shall thereby agree, covenant to abide by and fully perform the restrictions and covenants herein set out.

16.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be in order for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from so doing or to require him or them to correct such violation, or to recover damages or other dues for such violating.

17.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or part.

In testimony whereof, witness the signature of J. E. Shuler as Owner of Oakglen Park, Section One, this the 14<sup>th</sup> day of August, 1961.

*J. E. Shuler*



SOUTHERN OAKS SEC 6

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BUFFALO PASS 5800 → SOUTH

20-425 2500 + 350 not sure how far -

150  
44  
82

WHEREAS, Nelson Puett, Jr., being the owner of that certain subdivision known as SOUTHERN OAKS, SECTION 6, a subdivision in Travis County, Texas, according to the map or plat of record in Vol. 18, Page 5, of the Travis County Plat Records, hereby impose the following covenants, conditions and restrictions upon all of said property.

LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes, except that one sales office may be erected and maintained by the subdivider or his agents for the exclusive sale of lots and homes in this subdivision. All lots in this subdivision shall be used for single family dwellings only. No dwelling constructed elsewhere shall be moved to any lot in this subdivision.

EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-buildings shall be used on any lot at any time as a residence either temporarily or permanently.

NUISANCES: No noxious and offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

SIGNS: No sign of any kind shall be displayed to public view on any lot or house except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SIGHT DISTANCES AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a Street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

DWELLING COST, QUALITY AND SIZE: No dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than \$8,000.00 for a single family dwelling based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structures, exclusive of one story open porches and garages, shall not be less than 1,000 square feet for a one story single family dwelling,

DEED RECORDS  
Travis County, Texas

Vol. 2778 p. 66

850 square feet for a one and one-half story single family dwelling, or 800 square feet for a two story single family dwelling. In addition, all dwellings erected shall contain at least thirty three and one-third percent (33-1/3%) masonry construction.

C-4  
83

BUILDING LOCATION: No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In no event, no building shall be located on any lot nearer than 25 feet nor more than 35 feet from the front lot line, nor nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 45 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 35 feet to the rear lot line. For the purpose of this covenant, eaves, steps and porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any part of a building on a lot to encroach upon another lot. No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective house.

ARCHITECTURAL CONTROL: No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure shall have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in "Procedure".

MEMBERSHIP: The architectural control committee is composed of Nelson Puett, Jr., Beverly Webb and A. S. Duncan, of 5425 Burnet Road, Austin, Texas. A Majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of the powers and duties.

PROCEDURE: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

LOT AREA AND WIDTH: No dwelling shall be created or placed on any lot having an area of less than 6,500 square feet. C1-4 84

OIL AND MINING OPERATIONS: No oil drilling or oil operations by way of development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title to property in this subdivision, whether by descent, devise, purchase or any manner whatsoever and any person or persons in accepting title to any lot or plot in this subdivision shall thereby agree and covenant to abide by and fully perform the restrictions and covenants herein set out.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from doing or to correct such violation or to recover damages or other dues for such violation.

These restrictions and covenants shall be binding until January 1, 1989.

On and after January 1, 1989, these restrictions and covenants shall automatically be extended for successive periods to ten (10) years each, unless by a vote of three-fourths majority of the then owners of the lots or plots in this subdivision, it is agreed to amend or change these restrictions in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Executed on this the 13th day of May, 1964.

  
NELSON PUETT, JR.

THE STATE OF TEXAS }  
COUNTY OF TRAVIS } I

C1-4  
1/85

Before me, the undersigned authority, on this day personally appeared Nelson Puett, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, on this the  
13th day of May, 1964.

(NOTARY SEAL)

*[Signature]*  
Notary Public, Travis County, Texas

E  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS  
MAY 20 7 55 AM '64

STATE OF TEXAS }  
COUNTY OF TRAVIS }  
I hereby certify that this instrument was filed on the  
date and at the place herein stated, and was duly  
RECORDED, in the public records of the PUBLIC RECORDS  
of Travis County, Texas, at which place it may be seen.

MAY 22 1964



*[Signature]*  
Travis County, Texas

DEED RECORDS  
Travis County, Texas

2778 09

Francis Reilly -

These are the deed restrictions for Sec 5 and 6 of  
Southern Oaks Subdivision - There are at least  
6 sections of Southern Oaks, plus perhaps another  
6 with other names within the area of Jones Road  
to Stasney and between Manchaca Rd and Winsor  
Creek! But the restrictions appear to be similar  
from what I've heard.

Thanks for all your hard work!

Rollin MacPae  
5202 Buffalo Pass

C1-4  
/86



2374 182

U-4  
87

generators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. These

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title to property in this subdivision, whether by descent, devise, purchase or any manner whatsoever and any person or persons in adapting title to any lot or plot in this subdivision shall thereby agree and covenant to abide by and fully perform the restrictions and covenants herein set out.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from doing or to correct such violation or to recover damages or other dues for such violation.

These restrictions and covenants shall be binding until January 1, 1986.

On and after January 1, 1986, these restrictions and covenants shall automatically be extended for successive periods to ten (10) years each, unless by a vote of three-fourths majority of the then owners of the lots or plots in this subdivision, it is agreed to amend or change these restrictions in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Executed on this the 7th day of October, 1961.

Nelson Puett, Jr.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Nelson Puett, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, on this the 9th day of October, 1961.

Clara B. Lee  
Notary Public, Travis County, Texas

Filed for record Oct 13, 1961 at 4:25 P.M.  
Recorded Oct 13, 1961 at 4:30 P.M.

2374

# SOUTHERN OAKS SEC 5

Buffalo PASS 5100 (JONES RD) TO 5400

2374 PAGE 180

THE STATE OF TEXAS  
COUNTY OF TRAVIS

SECTION 5

WHEREAS, Nelson Puett, Jr., being the owner of that certain subdivision known as SOUTHERN OAKS, SECTION 5, a subdivision in Travis County, Texas, according to the map or plat of record in Vol. 13, Pg. 90 of the Travis County Plat Records, hereby imposes the following covenants, conditions and restrictions upon all of said property:

**LAND USE AND BUILDING TYPE:** No lot shall be used except for residential purposes, except that one sales office may be erected and maintained by the subdivider or his agents for the exclusive sale of lots and homes in this subdivision. All lots in this subdivision shall be used for single family dwellings only. No dwelling constructed elsewhere shall be moved to any lot in this subdivision.

**EASEMENTS:** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

**TEMPORARY STRUCTURES:** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-buildings shall be used on any lot at any time as a residence either temporarily or permanently.

**NUISANCES:** No noxious and offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

**SIGNS:** No sign of any kind shall be displayed to public view on any lot or house except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

**SIGHT DISTANCES AT INTERSECTIONS:** No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 8 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 20 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

**DWELLING COST, QUALITY AND SIZE:** No dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than \$8,000.00 for a single family dwelling based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structures, exclusive of one story open porches and garages, shall not be less than 600 square feet for a one story single family dwelling. In addition, all dwellings erected shall contain at least twenty-five percent (25%) masonry construction.

**BUILDING LOCATION:** No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In no event, no building shall be located on any lot nearer than

35 feet nor more than 35 feet from the front lot line, nor nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 45 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 35 feet to the rear lot line. For the purpose of this covenant, eaves, steps and porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any part of a building on a lot to encroach upon another lot. No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective house.

**ARCHITECTURAL CONTROL:** No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure shall have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in "Procedure".

**MEMBERSHIP:** The architectural control committee is composed of Nelson Puett, Jr., V. G. Mann and A. B. Duncan, of 5425 Burnet Road, Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of the powers and duties.

**PROCEDURE:** The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

**LOT AREA AND WIDTH:** No dwelling shall be created or placed on any lot having an area of less than 6,000 square feet.

**OIL AND MINING OPERATIONS:** No oil drilling or oil operations by way of development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

**LIVESTOCK AND POULTRY:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

**GARBAGE AND REFUSE DISPOSAL:** No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All in-

## PLANNING COMMISSION COMMENT FORM

File #: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, March 25, 2014

Comments: *I object to any planning that will cost me anything. I can just make it as it is and am sorry that you can't find any other way to spend our tax money. School teachers for one.*

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Retha Smith

Address 4402 Enchanted

- ☐ I am in favor  
(Estoy de acuerdo)
- ☒ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After the first public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the previous page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed at the top of this page

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

# PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~ April 22, 2014

C1-4  
/a1

Comments: Because of the smaller lots we already  
have more houses & less land to  
absorb rainfall. This is causing flooding  
during heavy rain, of Cherry Creek & the area I  
live in

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) -



Virginia Ward  
5704 Cherry Creek Dr.  
Austin, TX 78745-3462

Address

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

## INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After the first public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

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## PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, March 25, 2014

C14  
1/92

Comments: I am totally against this rezoning  
proposal. I have lived on Pack Saddle  
for almost 48 years. I do not want  
increased traffic and density.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) MRS. BILLY ROGERS

Address 4606 PACK SADDLE PASS

☐ I am in favor  
(Estoy de acuerdo)

☒ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After the first public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the previous page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed at the top of this page

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

C14-4/93

PLANNING COMMISSION COMMENT FORM

File #: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, March 25, 2014

Comments: This rezoning proposal is counter-

productive & destructive of our single-  
family neighborhood. Allowing developers  
additional units without rezoning off-street  
parking will create a stream like environment  
You may also send your written comments to the Planning and Development Review Department, P.O.  
Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) JOHN GAMBLE ☐ I am in favor

Address 4705 GREENHAVEN 78745 ☒ I object (No estoy de acuerdo)

512-326-1639

# PLANNING COMMISSION COMMENT FORM

File #: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, March 25, 2014

C1-4  
/94

Comments: I object to any planning that will cost  
me anything. I am sorry that you can't  
find any other way to spend our tax money.  
I realize that this gives you a job and  
money, but I can barely make it as it is.  
One good way to spend our money is for school  
improvement.

You may also send your written comments to the Planning and Development Review Department, P.O.  
Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Retha Smith

Address 4902 Enchanted Lane

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

## ..... INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

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As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the previous page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
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You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

# PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~ April 22, 2014

C1-4  
95

Comments:

I am shure you wouldn't want  
this to happen to your Home

Drop your Home Value

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) \_\_\_\_\_

Address

5804 Burrough DR Austin  
TX 78745

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

## INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

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As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the previous page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed at the top of this page

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~ April 22, 2014

C14  
96

Comments:

This would fundamentally change our neighborhood  
- which is why I bought this property  
I am sure you would not want this to happen  
in your Neighborhood.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Dr. Mark A. Weaver

Address 5804 Burrough Drive  
Austin TX 78745

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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## PLANNING COMMISSION COMMENT FORM

File #: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~

4-4  
92  
April 22, 2014

Comments: I object to Cottage Lots, Urban Homes & Corner Stores  
in the Garrison Park Zone & in Cherry Creek Central  
Neighborhood.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Richard Hernandez

Address 5908 Cherry Creek Dr. Austin, Tx 78745

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

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## PLANNING COMMISSION COMMENT FORM

File #: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~

April 22, 2014

C1-4  
48

### Comments:

I live in the Cherry Creek Central Neighborhood located in the Garrison Park Zone. I am against proposed plans by the City to allow corner stores, cottage and urban homes, or secondary apartments in or around our neighborhood. I see such things as destroying the peacefulness and beauty of our present neighborhood. CCC residents do not want the increased noise, traffic, and crime that commercial businesses operating close to our neighborhood would bring. Why replace the openness of our neighborhood with a canyon of densely-packed homes and congested streets? I have seen what is has done to neighborhoods in the 78704 area and I do not want it.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print)

Paul M. Sexton

Address

5807 Cherry Creek Dr.

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

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## PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~

April 22, 2014

C1-4  
49

### Comments:

I live in the Cherry Creek Central Neighborhood located in the Garrison Park Zone. I am against proposed plans by the City to allow corner stores, cottage and urban homes, or secondary apartments in or around our neighborhood. I see such things as destroying the peacefulness and beauty of our present neighborhood. CCC residents do not want the increased noise, traffic, and crime that commercial businesses operating close to our neighborhood would bring. Why replace the openness of our neighborhood with a canyon of densely-packed homes and congested streets? I have seen what is has done to neighborhoods in the 78704 area and I do not want it.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Cathy A. Sexton

☐ I am in favor  
(Estoy de acuerdo)

Address 5807 Cherry Creek Dr.  
Austin, TX 78745

☒ I object  
(No estoy de acuerdo)

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File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~ April 22, 2014

C1-4  
100

Comments: I object to Cottage Lots, Urban Homes & Corner  
Stores in the Garrison Park Zone & in Cherry Creek Central  
neighborhood

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Elizabeth Reyes

Address 5908 Cherry Creek Dr, Austin, TX 78745

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

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PLANNING COMMISSION COMMENT FORM

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Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~

April 22, 2014

C1-4  
101

Comments: I do not want more traffic in my neighborhood  
especially not during the night.

Condos and bars are not what we wanted to  
see around us when we chose to buy property here.

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) Jinsong Contes

☐ I am in favor  
(Estoy de acuerdo)

Address 5907 Burrough Drive, Austin, Tx 78745

☒ I object  
(No estoy de acuerdo)

PLANNING COMMISSION COMMENT FORM

File #s: C14-2014-0017; C14-2014-0018; C14-2014-0019

Planning Commission Hearing Date: Tuesday, ~~March 25, 2014~~

April 22, 2014

Comments: This high density plan is very disturbing.

Who is behind this proposal? A developer may  
make fast money, but what about future times?

Austin cycles through boom/bust. Do we need another  
Detroit, Michigan?

You may also send your written comments to the Planning and Development Review Department, P.O. Box 1088, Austin, TX 78767-8835 Attn: Francis Reilly

Name (please print) ERIC COATES

☐ I am in favor  
(Estoy de acuerdo)

Address 5907 BURROUGH DR

☒ I object  
(No estoy de acuerdo)